JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

CONMONWEALTH OF KENTUCKY

Regular Session
1926

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 15, 1926.

The House was opened with prayer by the Reverend Chesterfield Turner of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Lewis Allen	F. W. Bryant	W. J. Curtis
Wm. J. Arvin	J. R. Buckman	J. L. Cushing
W. O. Bach	W. G. Buckner	C. L. Daly
J. H. Baughman	S. J. Bunger	Mormon B. Daniel
W. B. Belknap	W. A. Carson	J. R. Dorman
T. H. Benton	C. B. Carver	E. J. Doss
Shaler Berry	Lee Clark	J. O. Evans
C. H. Berryman	Lonnie Cooper	D. W. Fowler
W. P. Bowman	Fred H. Coots	Otto C. Gartin
D. F. Brown	J. D. Cox	R. E. Glenn
Geo. A. Brown	J. S. Cruse	F. A. Gnau

Whitsett Hall	Thos. H. King	Smith Park
Lawrence Harmon	Oscar Leibson	J. J. Patterson
J. F. Harrison	W. W. Leslie	Jas. J. Peters
C. W. Hawkins	Leon P. Lewis	Geo. W. Potter
J. M. Hayse	J. L. Manning	W. H. Pryor
Goebel B. Henson	Shelby Martin	Clint Raymer
H. M. Holbrook	A. M. Mercer	Chas. L. Seale
H. B. Holland	H. J. Meyers	M. G. Slusher
S. K. Holland	H. H. Miller	W. R. Smith
Ira L. Horne	J. S. Milliken	E. J. Snyder
J. C. Hutcherson	T. R. Moore	Frank L. Strange
E. M. Johnson	B. T. Morris	J. G. Swearengin
Grover C. Johnson	L. P. Murphy	Mac Swinford
W. W. Johnson	Chas. N. McCarty	J. L. Valandingham
J. S. Cruse	J. L. McDavid	Chiles Van Antwerp
Mrs. H. G. Jorris	W. J. McGill	C. D. Vincent
W. O. Keller	F. T. Nichols	W. S. Wallen
J. R. Kelly	Caleb Page	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in this House of the following titles, viz:

H. B. 18. An Act to amend Sec. 5 of Chap. 17, Acts of General Assembly 1920, which is now Section 4356t-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

H. B. 20. An Act to amend Sec. 5, Chap. 17 Acts of the General Assembly 1920, which is now Section 4356t-5, 1922 Edition, Carroll's Statutes, relating to roads and bridges.

H. B. 26. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 27. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 28. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 62. An Act amending Sec. 5, of Chapter 17 of the Acts of 1924 and establishing Project 3a as a part of the Primary System of State Highways.

H. B. 84. An Act relating to roads and bridges and establishing a new project to be a part of the primary road syste mfrom Campbellsville to Liberty, Kentucky.

H. B. 116. An Act to amend Chap. 214 of the Acts of the 1924 session of the General Assembly entitled "An Act to amend Project 6 of Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges and road projects."

H. B. 129. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 131. An Act to establish a road from the mouth of Caney Creek, Knott County to State Project 4 in Letcher County, Kentucky.

H. B. 132. An Act to establish a road from Hindman, Kentucky, to the mouth of Breedings Creek in Knott County, Kentucky, and to be known as Project ——.

H. B. 133. An Act to establish a road from Leckey, Floyd County, to Troublesome Creek, Knott County, Kentucky and to connect with Project ——, relating to roads and highways.

H. B. 143. An Act establishing the Widdom-Hardyville road in Metcalf and Hart counties as a part of the primary system.

H. B. 148. An Act establishing a road from Franklin, in Simpson County, Kentucky, to the Tennessee line near the Henry's Ford Bridge over the route known as the Franklin and Springfield road, as a State primary road, and designating said project as Project ——.

H. B. 159. An Act establishing a new State primary road project to be known as Project ——, beginning at Belle's Trace on Project 43 in Carter County and extending to a point on Project 49 near Isonville postoffice in Elliott County.

H. B. 160. An Act establishing as a part of the primary system of State highways, a road from Booneville, Owsley County, via Tyner, Jackson County, to east Bernstadt, Laurel County, and designating said road as Project 30-A.

H. B. 174. An Act to repeal Chap. 264 of the Acts of the General Assembly of 1924, which established a new primary road system project, now known as Project 71, and to enact in lieu thereof a new act establishing a new primary system project to be known as Project 71.

H. B. 182. An Act amending Chapter 168 of the session Acts of 1924, being entitled "An Act relating to public roads."

H. B. 183. An Act to repeal and re-enact Chapter 277, Acts General Assembly 1924, being an act entitled "An Act to amend and re-enact Section 9 of Chapter 17 of the Acts of 1920, relating to roads and highways" by adding to said section the town of "Williamsburg" as a construction center and by including Fullerton in said named construction centers.

H. B. 191. An Act to amend, extend, revise and re-enact Chapter 248 of the Acts 1924, being an Act amending Chapter 79 of the Acts of 1922, which was an act amending Chapter 17 of the Acts of 1920, relating to roads and bridges and relating to Project 22A of the primary system of State highways, extending from Pine Knot, McCreary County, via Williamsburg and Barbourville, to Manchester, Clay County.

H. B. 192. An Act establishing as a State primary road project the road leading from Providence in Webster County, Kentucky, on State Primary Road Projects 2-A and 74, to Dawson Springs, in Hopkins County, Kentucky, on state primary roads converging there, a distance of approximately 17 miles, and designating said road as State Primary Road Project —.

H. B. 193. An Act establishing as a State primary road, a road leading from Providence in Webster County, Kentucky, on State Primary Road Projects 2-A and 74, to Clay in Webster County, Kentucky, on State Primary Road Project 2½, a distance of about seven miles, and designating said road as State Primary Road Project —.

H. B. 217.—An Act to create and establish Project 1A of State roads and highways, being a State Highway from Greenville, Muhlenberg county, by way of Weir, Kirkmansville and Allegre to Elkton, Todd county.

H. B. 219. An Act to amend sec. 5, chapter 17 of the Acts of the General Assembly, Kentucky 1920, which is now sec. 4356t-5 of Kentucky Statutes, Carroll's 1922 Edition relating to roads and bridges, etc.

H. B. 229. An Act establishing as a part of the primary system of State Highways a road from Princeton, Caldwell

county, to Madisonville, Hopkins county, via Tradewater river bridge, and designating said road as Project 10.

H. B. 233. An Act establishing as a part of the primary system of State Highways and the Commonwealth of Kentucky, a road running from Columbia, Kentucky, to a point on Project 23, near Dunnville, Casey county, and designating said road as Project 23A.

H. B. 236. An Act to establish Project ..... in the Primary System of State Highways.

H. B. 255. An Act establishing a new Primary Road Project to be known as Project ....., beginning at Webbville on Project 43 in Lawrence county and extending to a point on Project 49 near Blaintown in Lawrence county.

H. B. 4256. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Irvine to Winchester.

H. B. 270. An Act establishing and making the road leading from Springfield, via Willisburg to Lawrenceburg, Kentucky, a part of the primary system of State Highways of the Commonwealth of Kentucky, and designating said road as Project .....

H. B. 272. An Act adding another road project in Metcalfe and Monroe counties.

H. B. 273.—An Act to amned chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 279. An Act creating a new primary road project to be known as State Primary Road Project ....., to begin at Brownsville, Edmonson county, and extend approximately 12 miles to Rocky Hill, Edmonson county, Kentucky.

H. B. 285. An Act to create a new State Primary Road Project, to be known as Project ....., to extend from a point on State Project 12 near East View in Hardin county, Kentucky, via Solway and Big Spring, to a point in State Project 8, in Meade county between Hog Wallow and Miller Mill.

H. B. 290. An Act establishing and making the road leading from Danville, via Hubbel, to Lancaster, a part of the primary system of state highways of the Commonwealth of Kentucky and designating said road as Project .....

H. B. 295. An Act to create a new state primary road project to be known as project ....., to extend from Shelbyville, the county seat of Shelby county, via Cropper and Elmburg, in Shelby county, to a point at Defoe in Henry county on the existing state primary road Project 64½ leading from Frankfort, the county seat of Franklin, to New Castle, the county seat of Henry county.

H. B. 302. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 334. An Act establishing State Primary Road Project ....., same being a road from Frankfort via Honey Suckle, Jacksonville, Elmburg, Pleasureville and New Castle.

H. B. 372. An Act establishing as part of the Primary System of State Highways of the Commonwealth of Kentucky, Acts of 1820, chapter 17 the road leading from Barbourville to the Whitley county line.

H. B. 378. An Act to amend chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 383. An Act establishing as a part of the primary system of highways a road from Centertown via Matanzas,

Point Pleasant and Island to Project 10 and designating the same as Project .....

H. B. 389. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 394. An Act to establish State Primary Road Project ....., to lead over the route from Glasgow, the county seat of Barren county, to a point in the West Dixie Highway, leading to Bowling Green, in Warren county, Ky.

H. B. 399. An Act establishing and making the road leading from Walton through Verona to Glencoe a part of the primary system of state highways of the Commonwealth of Kentucky.

H. B. 406. An Act relating to roads and highways.

H. B. 407. An Act relating to roads and bridges.

H. B. 409. An Act to amend sec. 5, chapter 17 of the Acts of the General Assembly of 1920, which is section 4356t-5 of Carroll's Kentucky Statutes, relating to roads and highways, and establishing and creating Project ..... to be added to the primary system of roads and highways.

H. B. 425. An Act relating to roads and bridges and establishing a new project to be a part of the state primary system of roads from Barbourville, Knox county, to Hyden, Leslie county, via Artemus.

H. B. 430. An Act to establish a new state primary road project to be known as Project ....., beginning at Regina, at mouth of Marrowbone creek in State Project 6¾, Pike county, to Shelby Gap in Mayo Trail (State Project 6).

H. B. 437. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 443. An Act relating to the primary system of roads and highways.

H. B. 446. An Act to establish a new State primary road project to be known as Project —, beginning at Bowling Green, Warren County and extending southeastwardly by way of Meadow, in Allen County, to a point in the Bowling Green and Glasgow road, approximately 21 miles.

H. B. 456. An Act to establish a primary road system project to be known as 63A.

H. B. 459. An Act to establish as a part of State primary system of State highways, a road from Eddyville, Lyon County, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

H. B. 473. An Act to establish a new State primary road project, beginning in State Project 4, at Jeff, Perry County, up the Kentucky River and Rockhouse Creek to an intersection with State Project —, west of Isom, in Letcher County.

H. B. 474. An Act to establish a new State primary road project from Flat Gap, in Letcher County, by way of Elcia to a point in State Project 6, on the south side of Pine Mountain.

H. B. 480. An Act relating to roads and highways and describing and fixing a project to be added to the State primary system of roads and highways from Washington, in Mason County, Kentucky, to Mt. Olivet, in Robertson County, Kentucky, and to be known as Project —.

H. B. 487. An Act to establish State primary road project beginning near or at Ratcliffe, in Hardin County, on the Dixie Highway, leading by the way of Woolbridge Ferry to Belmont, Bullitt County.

H. B. 489. An Act adding road Project —, to primary system of roads in Kentucky.

H. B. 495. An Act relating to roads and highways placing on primary system from Richardsville to Caneyville.

H. B. 496. An Act relating to roads and highways, placing on primary system from Mt. Lebanon School House, Richardsville, Kentucky, by way of Region, Kentucky, and Threlkel.

H. B. 497. An Act relating to roads and highways; providing for making a part of primary system of the Commonwealth of Kentucky, a project running from Murroli via New Concord to the Tennessee River, in Calloway County.

H. B. 510. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 511. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 512. An Act establishing and making a road leading from Cynthiana, Harrison County, Kentucky, to Williamstown, Grant County, Kentucky, a part of the primary system of State highways of the Commonwealth of Kentucky and designating said road as Project —.

H. B. 514. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 515. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 521. An Act creating and establishing as a part of the primary system of State highways of the Commonwealth of Kentucky, a road leading from Frankfort, Franklin County, via Peaks Mill to Swallowfield, in Owen County, to be known and designated as Project 60A.

H. B. 530. An Act to establish as a part of the primary system a road running from Creelsboro, via Russell Springs, shall be designated as road Project —.

H. B. 531. An Act to establish as a part of the road running from Ucum, Cumberland River; said road project shall be known as road Project —.

H. B. 543. An Act creating and establishing as a part of the primary system of highways of the State of Kentucky, that part of the old Bardstown and Green River turnpike, between the village of White City, near top of Muldraughs Hill and the town of Buffalo, in Larue County, to be known as Project —.

H. B. 544. An Act establishing a road from Russellville, in Logan county, Kentucky, to Orndorff's Mill over the route known as the Orndorff's Mill road, as the state primary road and designating said project as Project —.

H. B. 555. An Act relating to roads and highways.

H. B. 558. An Act adding additional road projects to the present state primary system of roads.

H. B. 561. An Act establishing a new state primary road project, beginning at Falmouth, the county seat of Pendleton

county, and extending to Lennoxburg by way of Wampum, approximately eight miles.

H. B. 562. An Act to establish a new state primary road project, beginning at Morris, in Bracken county, Kentucky, on State Project 57 and running via Johnsville to Bradford Post Office on the C. & O. Railroad and State Project 106.

H. B. 563. An Act creating a new state primary road project leading from Liberty in Casey county to Campbellsville in Taylor county, Kentucky.

H. B. 564. An Act relating to roads and highways placing on primary system, Rochester by Morgantown to Caneyville.

H. B. 565. An Act relating to roads and highways.

H. B. 568. An Act establishing and making the road leading from Leitchfield, in Grayson county, by way of Blue Knob and Holly to Evilsigh, a part of the primary system of the state highways of the Commonwealth of Kentucky and designating the said road as project —.

H. B. 569. An Act establishing and making the road from Wickliffe, via Blandville, Lovelaceville, Symsonia and Benton to Eggner's Ferry a part of the primary system of state highways for the Commonwealth of Kentucky.

H. B. 572. An Act to amend an Act entitled: "An Act relating to roads and bridges," being chapter 17 of the Acts of the General Assembly for the year 1920.

H. B. 580. An Act relating to roads and highways, and describing and fixing a project to be added to the state primary system of roads and highways, from Mayslick, Mason

county, Kentucky, by way of Helena to Wedonia, in said county and known as Project —.

H. B. 581. An Act to establish a new state primary road project leading from near Bremen on State Project 10 to a point in Project 55, near Muhlenberg and McLean county line.

H. B. 583. An Act relating to public roads and amending sec. 4356t-5 of Acts of chapter 110 Kentucky Statutes, 1922 Edition, by adding thereto as Project —, extending from Kirkmansville, in Todd county, to Clifty, in Todd county.

H. B. 590. An Act to amend chap. 200, Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which relates to roads and highways.

H. B. 606. An Act creating and establishing as a part of the primary road system of the Commonwealth of Kentucky a road leading from Eggner's Ferry, in Marshall county, via Briensburg and Palma to McCracken county line.

H. B. 608. An Act relating to state road project.

H. Res. 16. Resolution declaring Prof. J. T. C. Noe to be the Poet Laureate of Kentucky.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolutions which originated in that body of the following titles, viz.:

S. B. 314. An Act entitled an Act providing for the protection of cemeteries, graveyards and burial grounds, and providing penalty for violation of same.

S. B. 207. An Act to repeal and re-enact sec. 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth, etc.

S. B. 206. An Act to repeal and re-enact section 2289 of the Kentucky Statutes, 1915 Edition, relating to certain duties of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

S. B. 350. An Act to amend sec. 165a-1 Kentucky Statutes, Carroll's Edition of 1922, relating to Banking Departments.

S. B. 276. An Act making an appropriation for the purchase of fifteen acres of land adjoining the burial place of President Zachary Taylor in Jefferson county, Kentucky.

S. B. 356. An Act to amend and re-enact sec. 824, Kentucky Statutes, dividing the state into three districts for the purpose of electing railroad commissioners.

S. B. 11. An Act to amend sec. 1, chap. 61 of the Acts of the General Assembly of Kentucky, 1920.

S. B. 368. An Act to amend, revise and re-enact sec. 1218 of the Kentucky Statutes, relating to sodomy and buggery.

S. B. 218. An Act amending and re-enacting sec. 2982, Kentucky Statutes.

S. B. 402. An Act relating to the compensation of county school superintendents in this Commonwealth and fixing the minimum salary of the county school superintendents.

S. B. 327. An Act for the benefit of Minnie Gruelle, whose husband, G. C. Gruelle, lost his life while engaged in the performance of a public service, etc.

S. B. 227. An Act to repeal and re-enact Sec. 3104 of Carroll's Edition relating to the net revenue derived by any city of the second class from its waterworks.

S. B. 386. An Act to provide that coverture shall not prevent the operation of the Statutes of Limitation.

S. Res. 37. Providing for a committee to be appointed to investigate loan companies in cities of the first and second class and to make a recommendation back to the next General Assembly.

S. Res. 31. For the purpose of validating certain State warrants alleged to be invalid issued to contractors for road construction, etc.

S. Res. 33. Providing for furnishing Kentucky directories.

S. Res. 14. Providing for the appointment of a commission to arrange for the suitable and proper participation of Kentucky in two hundredth anniversary of George Washington.

S. Res. 20. That the Golden Rod be adopted as the official State Flower.

Ordered that said bills and resolutions be printed and referred to Committee on Rules.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 310. An Act to authorize the Governor to appoint a Commissioner of Pardons.

With the following Senate Amendment thereto, viz.:

"Add after the word 'Governor' in line 10 of section 1 thereof the following words, 'and shall have power to administer oaths and swear witnesses in a summary way and have their statements reduced to writing and signed by said witnesses.'"

Said Amendment was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. O. Bach
T. H. Benton
C. H. Berryman
W. P. Bowman
D. F. Brown
F. W. Bryant
J R. Buckman
W. G. Buckner
S. J. Bunger
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
J. R. Dorman
E. J. Doss
D. W. Fowler
Otto C. Gartin
R. E. Glenn
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
W. W. Johnson
D. C. Jones
W. O. Keller
J. R. Kelly
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
W. J. McGill
Smith Park
Geo. W. Potter
H. A. Pulliam
R. R. Rogers
C. W. Ryans
Chas. L. Seale
W. R. Smith
Frank L. Strange
J. G. Swearengin
C. D. Vincent
W. S. Wallen

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Those who voted in the negative were—

Lewis Allen	J. C. Hutcherson	Jas. J. Peters	
Mormon B. Daniel	Grover C. Johnson	J. L. Valandingham	
J. F. Harrison	Caleb Page		
H. B. Holland	J. J. Patterson		—10

Mr. Milliken moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Vallandingham moved that an indefinite leave of absence be granted to Mr. Joe Martin.

Said motion was agreed to.

Mr. Milliken moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Mililken moved that when the hour of twelve o'clock Meridian arrives today, that the House do then recess until one o'clock P. M.

Said motion was agreed to.

Mr. Fowler of the committee heretofore appointed by the Speaker under and by virtue of a resolution adopted in this House on February 16, offered the following report, viz:

Frankfort, Ky., March 15, 1926.

House of Representatives,
General Assembly of Kentucky.

In compliance with the instructions of the House of Representatives, as set forth in House Resolution adopted Feb-

ruary 16, 1926, your committee attended the Mass Meeting held at Lexington, Kentucky, on February 17, 1926, and now submits to you their report upon said meeting and their investigations concerning the charges made.

Your committe is convinced that the Mass Meeting was called with malicious intent to and without any basis of fact for discrediting directly the United States Veterans' Bureau and its personnel, and indirectly the Kentucky Disabled Ex-Service Men's Bureau and its personnel. A stenographic record of said meeting was made and a copy thereof is attached hereto as "Exhibit A."

After a thorough investigation we wish to report that the charges made against the Veterans Bureau directly and the Kentucky Disabled Ex-Service Men's Board indirectly are groundless and that these two bureaus are doing a valuable and necessary work in an honest and efficient manner.

According to the announcement of the purpose of said meeting the following charges were to be made:—"Learn how checks have been stolen, compensation denied, false statements filed in Veterans Bureau regarding disabled veterans and how attempt has been made to dishonor Sergeant Willie Sandlin, the greatest American hero, and other outstanding facts never before revealed to the public."

To support the first charge, that of checks being stolen, only one incident was mentioned. This was of a check for $558.06 issued to one William Ivey some time in 1922 which was cashed by an employee of the Veterans Bureau and the money converted to his own use. We find that this forgery was discovered by the Veterans Bureau and that they made a complete investigation which resulted in the conviction of the guilty employee and proper restitution being made to the original payee. No other evidence was introduced to show that any checks had been stolen or converted since that year, 1922. We are convinced that this instance was maliciously brought up to discredit the present Veterans Bureau. No other evidence was introduced to substantiate this charge.

No evidence was introduced tending to prove that false statements had been filed in the Veterans Bureau regarding disabled veterans, and we consider these charges malicious and groundless.

The following ex-service men testified that they had been badly treated and compensation denied:

Clarence Stewart, George O. Hulett, Hume Hays, Jonathan T. Prewitt, John A. Jackson, Edward Fitzgerald.

All of the above and the said Murphy were summoned to appear before your committee to make oath to the statements that they had made at the said mass meeting. They failed to appear at the meeting of your committee held for this purpose. We feel that in view of this action upon their part that too much credence can not be placed in the statements which they made at the so called mass meeting. We have further investigated their cases and find that the Veterans Bureau and the Kentucky Disabled Ex-Service Men's Board have done everything possible to assist these men and that they have no one to blame except themselves by not cooperating with these bureaus.

Mrs. Oliver K. Barlow testified regarding treatment of her husband, Oliver K. Barlow, and later testified at the special meeting held by your committee. She states that she is convinced that her husband was given reasonably prompt and fair treatment and her only complaint is that statements were attributed to her, by two doctors investigating the case, which she did not make. This matter has been taken up with the two bureaus and they have promised to correct the error, if one has been made. At the special meeting of your committee on March 8, 1926, Mr. Oliver K. Barlow, Post Commander of Hugh McKee Post, Veterans of Foreign Wars, testified in his own behalf. His testimony will be found in the stenographic report of this special meeting which is attached hereto as "Exhibit B". He is perfectly satisfied with the treatment and award which he received and admits frankly that a goodly portion of the delay in his case was due to the fact that it was

inconvenient for him to report for examination at the time requested by the bureau and that at his own request the date of examination was postponed.

A complete record of the claims of the above named men was furnished to your committee for their information. Inasmuch as it contained much information regarding their physical condition which might prove embarrassing to them if published with this report, same is not filed on that account. This does not apply to the case of Oliver K. Barlow.

R. E. L. Murphy, who seems to be the moving spirit behind all of these charges and who presided over the so-called mass meeting, made much ado over what he considered an attempt to dishonor Sergeant Willie Sandlin, the great American hero. Sergeant Sandlin was not present at this meeting nor did he send any statement to be read in behalf of his case nor was there any evidence that he had authorized anyone to make any statements regarding these charges. We find that the only evidence introduced was a newspaper article in which Col. Roark, Regional Director of tht Louisville office of the Veterans Bureau, was quoted as saying that the official records of the War Department failed to show that Sergeant Willie Sandlin had ever been gassed or wounded. No attempt was made in this article to discredit the heroic deeds of this great American hero. In our investigation of this case we have found that the Veterans Bureau and the Kentucky Disabled Ex-Service Men's Board have done everything possible to establish contact with Sergeant Sandlin with the view of determining his disability, if any. Your committee as well as these two bureaus know that through no intentional act mistakes sometimes occur in official records. These two bureaus realizing that it was possible for a mistake to have been made in Sergeant Sandlin's official record, have endeavored to have Sergeant Sandlin appear for examination to determine whether there is any disability and, if so, to properly adjust his compensation. R. E. L. Murphy admitted at the so-called mass meeting that he himself had advised Sergeant Sandlin

not to appear for examination. Your committee consider that this action on the part of the said Murphy was of malicious intent to discredit the Veterans Bureau and for the personal glorification of the the said Murphy's reputation in that he expected after discrediting the bureau to step in and get full credit for securing compensation for Sergeant Sandlin, if any was due. We heartily condemn this action of the said Murphy in obstructing justice being done this great Kentuckian.

Your committee desires to go on record as condemning the resolutons which were passed at the so-called mass meeting and which were broadcast in the press as representing the sentiment of the Veterans of Foreign Wars, Confederate Veterans, Veterans of the G. A. R. and other patriotic citizens. The said Murphy permitted no one opposed to these resolutions to speak upon them and when same were placed upon passage prohibited all except members of the Veterans of Foreign Wars voting thereupon. These resolutions were adopted by a small clique of possibly less than ten votes. They absolutely did not represent the spirit of the vast majority of the members of the Hugh McKee Post, V. F. W., as many of the members of that post came to your committee and assured it that they did not approve of the resolutions and felt that these resolutions were a discredit to the Veterans of Foreign Wars. Your committee desires to go on record as condemning the said Murphy for sponsoring the said resolutions and the tactics he indulged in when having them adopted. We are convinced that the said resolutions were introduced for no other purpose than that of being malicious toward and unjust to worthy bureaus and men.

Your committee does not feel that it could make a complete report of this investigation without calling your attention and the attention of all Kentucky to the character of the man who was and has been the prime moving spirit behind these charges and various attempts to discredit the United States Veterans Bureau, the Kentucky Disabled Ex-Service Men's Board, the American Legion, the Military Affairs Com-

mittee of the House and individual members of this special committee.

We consider the said R. E. L. Murphy to be a malignant liar, a disgrace to the uniform of his country, to Kentucky, to America, and to the Veterans of Foreign Wars, of which he is the self perpetuated State Commander. We find that his record is such that he was refused further membership in the Lexington Post No. 8 of the American Legion, and that he was banished for good and sufficient cause from a national fraternal organization. We do not consider him a patriotic citizen, but one who is using that honorable title and all agencies under his control for the furtherance of his private and personal interests. We consider him and all of his actions as seeking to glorify no one but R. E. L. Murphy. We are convinced that he has not hestitated to incorrectely advise disabled veterans in regard to their relation with the Veterans Bureau so that they would retain him as their attorney for the prosecution of their claims, and in this manner further his own private law practice.

We are informed by reliable citizens of the City of Lexington that the said Murphy is in the habit of holding meetings packed with a clique that will do his bidding and then foisting upon the public that these meetings express the sentiment of the good people of Lexington.

We recommend that the findings of this committee be turned over to the Department of Justice for further investigation of the activities of the said Murphy, and should their findings justify, that they prosecute him and thus restrain him from his malignant lies and his malicious attempts to discredit worthy bureaus and people for the building up of his own personal interests.

We further recommend that he be denied the use of public platforms and public buildings throughout the state for the purpose of conducting meetings or being heard upon any subject on account his irresponsibility and his many attempts for personal publicity.

That a copy of this report, together with copies of "Exsibit A and B" be forwarded to the headquarters of the Officers' Reserve Corps, with the recommendation that the said Murphy be discharged from said corps.

That the proper action be taken to have the said Murphy examined by a board of alienists as we consider the most charitable thing that can be said in his behalf is that he is insane.

That a copy of this report, together with a copy of "Exhibit A and B," be forwarded to the National Commander of the Veterans of Foreign Wars with the request that the said Murphy be removed from office and be discharged from said organization.

That the Associated Press of this State and the United States be notified of the said Murphy's character and that they be requested to refuse for publication any further articles tending to promote the personal glory of the said Murphy.

That a copy of this report be furnished to the public press and that it be published with suitable display throughout the state. Also that the stenographic transcript of both the so-called mass meeting held at Lexington, Ky., on February 17th, 1926, and that of the special meeting of your committee held at Lexington on March 8th, 1926, be furnished to the public press and that they be asked to publish these records in full. We feel that in this manner the public will become fully informed as to how both of these meetings were conducted and as to the motives behind them, in this way vindicating these bureaus and their personnel and the actions of your committee;

That the said Murphy be for ever denied the privilege of the floor of both Houses of the General Assembly of Kentucky.

Your committee emphatically denies the allegations at to its conduct and the conduct of its chairman at the so-called mass meeting as evidenced in various resolutions and articles of publicity that have emanated from said Murphy's head-

quarters. Your committee on arriving at said mass meeting was not allowed to remain until attention was called to the fact that it was an open mass meeting and that the General Assembly had been invited to attend. The said Murphy did not desire that a stenographic report be made of the meeting. He endeavored to prevent this action and acted in a very ungentlemanly manner to the young lady we had employed for this purpose. Your committee was denied the opportunity of explaining to the gathering the reason for the committee being present. The said Murphy refused to allow any member of your committee or any one of the audience that held beliefs contrary to his own to speak until the demand from the audience oft repeated became such that he feared for his personal publicity to refuse further. We consider that in attending said meeting, in making our investigation and in submitting this report that we have been the means of preserving the honor and integrity of the Veterans Bureau, the Kentucky Disabled Ex-Service Men's Board and their personnel. We feel that if this committee had not attended this meeting that grave injustice would have been done.

Your committee is in receipt of many letters, telegrams and personal messages from all sections of Kentucky commending and endorsing the action of the committee. We feel that these various messages would not have been inspired had the actions of your committee been such as claimed by the said Murphy and his clique. We are confident that the said Murphy realized that he had finally gone too far in his wild efforts for personal glory and that the charges and insinuations made by him and his clique were for the purpose of destroying the committee and hoping thereby to put an end to the investigation of himself and his methods.

Your committee is convinced that the so-called mass meeting was called by the said Murphy with malicious intent and with the purpose of discrediting the bureaus and their per-

sonnel, and we wish to go on record as condemning to the utmost this action of the said Murphy.

Respectfully submitted,

Special Investigation Committee.
D. W. FOWLER, *Chairman.*
SHALER BERRY, *Member.*
H. M. HOLBROOK, *Member.*
CHAS. L. SEALE, *Member.*

MASS MEETING HELD IN THE FAYETTE CIRCUIT COURT ROOM, UNDER THE AUSPICES OF THE VETERANS OF FOREIGN WARS, ON FEBRUARY 17, 1926.

Mr. Murphy: This is an open meeting held under the auspices of the Veterans of Foreign Wars. This is an open meeting. Our organization is a secret fraternal organization and we will carry on this meeting—the first thing, I want to state that we haven't invited any stenographers here to take this down. After this meeting is over they can talk to all these boys they want to. (Prayer by the Chaplain.) Mr. Spain, you are appointed as sergeant-at-arms. This meeting is going to be held according to the law, you see. It is your duty to keep order and arrest any person—I hope it will not be necessary. It may be necessary at that. This is an open meeting to permit the disabled veterans to appear before the public. Since 1919 I have never known of a meeting where men, disabled men, had an opportunity to appear in public and present their side of the matter, as to what they considered justice secured from the Veterans' Bureau. We have handled about as many claims as anyone else, I think, in Lexington and know of hundreds of cases of men who claim they did not get justice. No one assumes that those men are crooks, or thieves, and would not tell the truth. No one would assume, for instance, Charles R. Forbes, as you know, was convicted. For your information in regard to the Veterans of Foreign Wars, it was organized in 1899. It was a secret fraternal

organization, just as secret as the Masonic Lodge, Knights of Columbus or any other. It has been carried on since 1899 by men, men who served overseas during the time of war. They have not been donated to the organization one single cent by the state of Kentucky in Kentucky, and for your information we will give you the names of the present department officers and a little sketch of their war records and you may then decide for yourselves whether they are tin soldiers or real Kentuckians. At any rate the Senior Vice Commander of the Kentucky Veterans of Foreign Wars, who was elected last year at our encampment here, a young man by the name of ——————. I want to say this—I would like to ask the lady who employed you to come here and take down all the remarks?

Mr. Fowler asked to be heard.

Mr. Murphy: You will take your seat until I am answered.

Mr. Fowler again asked to be heard but was refused until Mr. Murphy completed his remarks.

Mr. Murphy: I want to say this lady—this is in Kentucky and Lexington. We accord all members of the Legislature, the Governor of Kentucky, the same privilege as we accord the lowest buck private in our ranks and since it seems that they want to take down all that is said, I am entitled to the information. (He was answered that Mr. Fowler employed the stenographer.) The senior vice commander was elected here in Lexington at our encampment, a young Frenchman, born in France, served about two years I think overseas, been in Kentucky twenty years. The junior Vice Commander is A. C. Eversole, a high class merchant of Breathitt County, Kentucky. He couldn't be here tonight. The Department Chief of Staff is Sergeant Willie Sandlin, elected at Lexington last July and will hold until his successor takes office. He was awarded the ..... the only native of Kentucky to be awarded that. The Patriotic Instructor of this organization is Sergeant Samuel

Woodfill. He was born in Indiana and at present resides at Fort Thomas, and we have a number of letters from him. The Department Quartermaster is—Comrade Hood, stand up—Comrade Justin A. Wood, who served two terms in the navy and one in the army, so he is no tin soldier. The Department Adjutant ..... is Oliver K. Barlow, who is at the General Hospital at Cincinnati; we will go into that matter later. Counsel of Administration, Jesse O. Creech, Commander of the Post at Lexington. Another member is the county clerk in Butler County who served in the last session of the Legislature. He lost a whole leg in France. He introduced the bill in the Lower House to make Armistice Day a legal holiday. We have another, ... a native of Lexington here, been in Washington for a few years. And then our Surgeon General is Dr. Luther Bach, up at Jackson, Kentucky, whom no one would contest his integrity. The Department Judge Advocate is a young man named Thomas Burchett, of Ashland, who has been on this post in Lexington in 1925, and of course we have other minor officers, whose records of course would not be questioned, in Lexington, and for your information, especially the gentlemen of the Legislature, although we have posts throughout the state, here in Lexington was organized in 1921. I am at present the only man living in Lexington; the other two of the fellows died and one couldn't appear because he couldn't talk above a whisper. We have such men as are proud to claim membership and came into it the same as every other man, such as Major General George B. Duncan, Sergeant Willie Sandlin—we gave him 20 years paid up dues. President Coolidge is proud of them, been out west and every other place. We have Washington Reed, a man who holds three decorations. We have Mr. Bush, Superintendent of the Traction Company, who is proud to be a member. General Williams, who died, was proud to be a member. Through this Post he was awarded the Legion of Honor by France, because in July we had.....
We paid the expenses of ..... Thenault. Paid his ex-

penses and we had already decorated the French Ambassador in June here, made him an honorary member of this Post. When we had ..... Thenault here he said to recommend some good man and we recommended General Roger Williams and it came two weeks after his death. We have Theodore Keller up here; he got three decorations, wounded in the marines. Jesse Creech was Commander. The present Commander is Oliver K. Barlow and we have all the way down. That is the class we have in the Hugh McKee Post.

This meeting was called, as I say, for the purpose of permitting a few Veterans in public who claim that there have been checks taken from the Bureau, which was done some time ago. It was on the front page of the Courier-Journal a couple of years ago. We want to show by high-class lady in Kentucky that false statements were filed not a few weeks ago concerning her, you can see her for yourself. We are going to prove by the clip of the newspapers that there was an attempt made to belittle Sergeant Sandlin. This is an open meeting of the Veterans of Foreign Wars, conducted by them. They have paid the expense of this meeitng. The others are invited guests, the same as I am when I go to the Legislature, but you are all outside of the Veterans of Foreign Wars and you have no vote in whatever they decide to do, so that is plainly understood and that is what this meeting is for. This is in Kentucky and the United States. No man would question the integrity of the members of Veterans of Foreign Wars. We will now give a lady an opportunity to give her testimony to the public.

Mr. Fowler asked to be heard and was asked on what grounds.

Mr. Fowler: I rise, on the ground first as a Kentuckian and as an American—the right to free speech.

Mr. Murphy: I asked you for what purpose.

Mr. Fowler: The purpose to explain and put before the people here why I am here tonight, so there will be no misunderstanding.

Mr. Murphy: I will explain that. I presume, of course, you are not a member of the Veterans of Foreign Wars?

Mr. Fowler: I am not.

Mr. Murphy: You are chairman of the Military Committee of the House, are you not?

Mr. Fowler: I am chairman of the Military Committee and also chairman of the Special Committee sent up here to see that justice is done to all.

Mr. Murphy: I will say this to settle it once and for all, we are going to accord you the same privilege accorded a bill introduced by Mr. Berryman of Lexington in behalf of the Veterans of Foreign Wars.

Mr. Fowler: You came before my committee and was allowed to speak.

Mr. Murphy: On the Veterans of Foreign Wars, never.

Mr. Fowler: You never—

Mr. Murphy: You are speaking of—

Mr. Fowler: You came before my committee—

Mr. Murphy: Not on the Veterans of Foreign Wars. Tell me the day I have been in Frankfort. Was it not before that committee in the Capital Hotel, was it not? That was not the bill that I refer to. I refer to the bill introduced about two weeks ago by Mr. Berryman.

Mr. Fowler: When I am accorded the right to speak—

Mr. Murphy: Sit down. The bill that the gentleman refers to is a Kentucky Disabled Ex-Service Men's Board that was heard before the committee in the Capital Hotel several weeks ago. That was a bill for the Kentucky Disabled Ex-Service Men's Bureau, in which the American Legion—we are not connected. About two weeks ago Mr. Charles H. Berryman, representative of this city, in our behalf, to test further the Military Committee and everybody else, introduced a bill called the Veterans of Foreign Wars Relief Committee. We saw an account in the papers in about four days later that an adverse report was made on it. Captain Frank

Strange introduced one. It went on and passed the House. Has that been before you?

Mr. Fowler: When I am—

Mr. Murphy: I ask you has that been before you?

Mr. Fowler: "Free America."

Mr. Murphy: Now, we will get down to the Veterans of Foreign Wars meeting. As I said, since 1919 the Veterans Bureau, having use of the press and everything, they always put out the accounts of what have been done for some disabled veteran. Oliver K. Barlow, present Commander of this Post here, we have the first letters on the date of June 25th. Barlow informed us he went down to the Bureau in May and of course didn't get what he went after. He discussed it with Congressman Robsion here on July 4th and the matter was taken up. I have three letters here from Mr. ....., Manager of the Bureau at Louisville. He was examined August 4th—that was all—he was examined. We took it up again in Washington, examined again in December; that was all, no decision. We took it up again and they said they—on Jaunary 12th his voice practically left him. He worked at A. F. Wheeler's furniture store, clean cut young man, discharged—as he says—on crutches, seven months in a hospital, spent $3,000.00 of his own money and awarded $8.00 a month and two years ago that was taken away from him. He wired to Washington that the case was urgent. Telegrams went back that they called upon this lady at her home, which was illegal because the law don't allow the wife to testify for or against—in that telegram it stated that Mrs. Barlow said her husband was well and working every day and also had a statement from him in which two doctors said he was in good condition, slightly hoarse, of course, and he had never authorized me to take it up with Washington—of course that was a conflict with all these letters from Robsion. From Washington we got a copy of this report made by these gentlemen who called upon Mr. Barlow. The report says like this: January 12, 1926. Dr.

W. A. Poole to J. L. Godman, General Medical .....
Re: Barlow, Oliver K. At your request we visited the home of the above mentioned claimant at one-thirty. We were met at the door by claimant's wife, who informed us that her husband was working at Wheeler's Furniture Store and had worked regularly for a year; that he had not lost any time on account of sickness. W. A. Poole and J. L. Godman. Of course in the same statement was a statement of employers that he lost 26 days. Mrs. Barlow is coming here before you; of course her sworn affidavit has gone to Washington, and we have been granted a special investigation by the Veterans' Bureau and we are relying upon that. Since that was done there have been three more went out there and wanted to make another affidavit. Of course she brought two of them to my office and didn't make anything. I said she made her sworn affidavit that she didn't make it, and you have either to indict this lady and send her to the penitentiary for two to five years. I said you can't investigate yourselves. You have read this statement sent in on this boy's case, at present in Cincinnati. This boy is 17 years of age. He certainly must have been a patriotic American. Mrs. Barlow, this is in Kentucky and in the south, when statements like that go into a man's file, can you imagine what he could get on an appeal? But at any rate—Mrs. Barlow will you stand up and tell these people whether or not you made those statements and whether or not both of those men came to your door? Will you now tell them?

Mrs. Barlow: I did not make the statement and there was only one interviewed me at my door.

Mr. Murphy: Do you know who it was?

Mrs. Barlow: Dr. Poole.

Mr. Murphy: Did he introduce himself so at that time?

Mrs. Barlow: No, sir.

Mr. Murphy: What statement did you make to him?

Mrs. Barlow: I made this statement: He asked me where Oliver K. Barlow was. I told him he was working. He

asked me where? I told him at A. F. Wheeler's. I told him who I was and asked him if I could be of any service. He said, none whatever and thanked me for it. He started away, but returned. He asked me how long he had been working there and I said something over a year. Had he been ill on account of sickness or had he been absent from work on account of illness? There were some days, I told him, he had been off, but I could not state definitely as that time how many.

Mr. Murphy: Did you tell him he had not lost any time?

Mrs. Barlow: No, sir. I said he had lost some days for sickness. I didn't know at that time how many.

Mr. Murphy: Tell these people just the condition that boy is in, ever since he has been out of the army.

Mrs. Barlow: At that time he couldn't speak above a whisper. His voice left him practically immediately.

Mr. Murphy: Tell them whether or not that was just a slight cold in your opinion.

Mrs. Barlow: No, I have had hoarseness, as much of it, I think as any average person who has throat trouble, but it was nothing equal to what I had had. His throat wasn't sore and they had found out it wasn't hoarseness. I said then that in justice to himself he should have been in bed instead of trying to work, but a man with a family some way is going whether he is able to or not.

Mr. Murphy: Did he go, in May last year, and ask for treatment, did he tell you that?

Mrs. Barlow: Not that I know of.

Mr. Murphy: How many times did he go to Louisville?

Mrs. Barlow: He went to Louisville the 7th of October.

Mr. Murphy: Did he go down there to be examined after the matter was taken up in July and August?

Mrs. Barlow: He was at the Bureau after it was first taken—I don't know when.

Mr. Murphy: Did you ever see any decision they sent him from the Bureau or tell him what they would do after they examined him?

Mrs. Barlow: He never heard any response after then.

Mr. Murphy: Tell the gentlemen what hotel they kept him in, if he ever told you?

Mrs. Barlow: Plaza.

Mr. Murphy: Did he tell you how many men in that room?

Mrs. Barlow: He didn't say anything about that.

Mr. Murphy: You didn't make that statement then, did you?

Mrs. Barlow: No, sir.

Mr. Murphy: Unfortunately, we haven't Mr. Barlow here but we do have his affidavit. We will read some of the reports they made on this fellow: "Mr. Barlow's physical condition at the present time seemed to be very good."—A man without a voice and disabled—"He has no complaints except he feels very weak and droopy and sometimes has headaches, has been very hoarse for about a week and a sore throat for two weeks." Here is on interview they said they had. "The following questions were put to Mr. Barlow and were answered as indicated:

Did you ask anyone to take your case up with the Washington office?

Mr. R. L. Murphy took it up with Mr. J. M. Robsion some time ago by telegram. I did not ask him to take it up with the Washington office.

Have you presented your case to the Veterans' Bureau Board of Appeals?

I did not know there was a Board of Appeals.

Have you ever requested treatment from the Veterans' Bureau that was refused?

I have never requested treatment from the Veterans' Bureau.

How do you account for the fact that the Washington Office has requested an investigation in your case?

Mr. Murphy took my case upon his own responsibility and told me that he had wired Congressman Robsion to take

the case up. He sometimes sends three or four telegrams a day in reference to different cases."

Mr. Murphy: Now here's this man's affidavit; he signed this one too at the hospital and sent it back. He says: "In May, 1925, went to the office of the Veterans' Bureau in Lexington, Kentucky and requested an examination and the Bureau refused to grant my request. About the latter part of June, 1925, R. E. Lee Murphy, with the consent of myself and wife had the matter up with Hon. John M. Robsion, member of Congress, and Mr. Robsion was in Lexington on July 4th, 1925, and as a guest of the Veterans of Foreign Wars and I talked the matter over with him. At that time I was unable to work for several days and I authorized him and said R. E. Lee Murhpy to take any steps necessary to adjust my claim.

After considerable correspondence with the Veterans Bureau by Mr. Robsion, and I have seen three letters from F. M. Roark to R. E. Lee Murphy about my case, about August 4th, I was examined and was informed by the Board that it found fifteen or twenty-five per cent disability, but I never received any decision from the Bureau and the matter was taken up by Robsion and was ordered to Louisville and examined and while there was quartered in the Plaza Hotel with two other veterans in one room and in my opinion the said hotel is a disreputable place. I never received any decision as result of that examination and again the matter was taken up by Mr. J. M. Robsion and R. E. Lee Murphy and I was finally offered hospitalization. The answer to question No. 1, is absolutely untrue. I never presented my case to the Veterans' Bureau Board of Appeals for the reason that I was never granted a decision by the Board in Kentucky.

Regarding Question No. 4, I do not recall that it was put to me in that fashion, but I did not make the statement credited to me for answer. I informed them that R. E. Lee Murphy, Department Commander, Veterans of Foreign Wars of Kentucky, had a number of cases, which it is the duty of our organization to look after. I never, at any time, stated to said

Johnson that R. E. Lee Murphy or Congressman Robsion had no authority to make any steps they deemed necessary in my case.

Affiant further states that during the time he was questioned no one was present but one Ben Johnson; that a number of questions were put to him but only four appear in the letter and that they are incorrect. Affiant further states that he was compelled to have the matter taken up through Washington because he could not secure any decision from the Bureau in Lexington nor Louisville, Kentucky; that the statement appearing in the second paragraph of said letter, in which it is stated that my physical condition on January 16, 1926, seemed to be very good, is untrue; that the statement appearing in the fourth paragraph of said letter, in which it is alleged that I had lost about one week since November, 1924, is absolutely untrue, as I informed them I had lost about thirty days, and that about six or seven days were lost while being examined by the Veterans' Bureau and if I had not been in a bad condition I would not have requested an examination. The alleged statement appearing in the same paragraph which states that I did not attribute my sickness to any particular disability is not correct, as I stated that I did not know what caused my disability.

Affiant further states that after the matter had been taken up on three or four different occasions through the Veterans of Foreign Wars and Congressman Robsion, he was offered hospitalization for diagnosis, but could not accept same because he was not told by the Veterans Bureau that he was entitled to loss of wages and was not informed of that until this matter had been taken up the last time by telegram with Washington."

Mr. Murphy: That is his statement, and of course he can't be here to-night. If any member of the Veterans of Foreign Wars or the War Mothers wish to state that they do not believe Mrs. Barlow and I stated the facts which he has already put in affidavit in Washington City, they have permis-

sion at this time. You ladies, do you want to question her statement? She is here before you. Now the next case is—Mr. Ivey here in the room? Cecil Ivey? (Did not answer.) Comrade Fitzgerald come around. Here's a boy who is not a member of the Veterans of Foreign Wars, he is not eligible. Born in Bourbon County, Kentucky, lives in Lexington. He went in the army before there was ever any draft, in the National Guard; everybody in Lexington knows this boy and the condition he was in before he went in. He was suffering injury and given a disability discharge, finally granted $8.00 a month. That has been taken away some time now. These kind of veterans who are real veterans, who didn't go in for the glory of the uniform or anything like that, because they loved their country. They have never had an opportunity to appear in public and tell their side of the case. This young man will now tell you. Young man, tell them about your case.

Mr. Fitzgerald: Ladies and gentlemen, it is a pleasure to me to talk to this audience. On the 17th day of April, '19 I enlisted in ..... They was a Lexington company, organized here, saw service on the Mexican border. After they come back from the border line we were stationed out here at the Reservoir and Frankfort and out at the race track. Shortly after sent out to Camp Stanley. On the 18th day of August, 1917, in the afternoon we was taking the horses to water and I was on a vicious horse and the horse in front kicked this horse I was riding and this horse rared back and fell on me and I got from under him and in trying to crawl away from him, he kicked me on the head and around the body and Thomas Hanley and James Cook and Thomas Morgan took me to the Good Samaritan Hospital. I was under morphine for four days, didn't know anything. In September, 1917, we went to Camp Shelby, Mississippi. August 25, 1918, I was discharged fro mthe Base Hospital and given a S. E. discharge, unfit for military service. I was sent home by an attendant from this hospital. Since then I have been in several hospitals, put there by the Government Bureau. I was at St.

Joseph's here in 1920, have had three operations, paid by the Veterans' Bureau. In 1921, September, I was ordered to Fort Thomas for an examination. I was there two months and transferred to Marion, Indiana, taken by two attendants; these attendants had a large pair of handcuffs, large enough to hold an elephant. I was there seven months on a lock ward in a ward with no treatment. I was finally put on open ward and I left of my own accord. While I was there I seen ex-service men, overseas men, was kicked around and throwed down and beat and bruised just like animals. Since then the Veterans' Bureau, I have been examined several times by them, and the 6th of December, 1925, I was in Louisville for an examination. I reported for an examination; I was examined by three doctors. The doctors said I had no disability. I got another letter to report the 18th of February. I took them at their word. I haven't been back. They told me I had no disability.

Mr. Murphy: How much did they give you?

Mr. Fitzgerald: $8.00 a month in 1920. I drew that up until 1924, November was the last compensation I got.

Mr. Murphy: You took your matter up with Washington. Did they do you any good in Louisville?

Mr. Fitzgerald: No, sir. Doctor that was here with the Veterans' Bureau throwed all kinds of insults in my face, said while he was here with the Veterans' Bureau I told him while he was here that I would go home and eat my meals and go back home and loaf and live off of my people and wouldn't work. All such as that, and another doctor that said I ought to be glad to get away from this town.

Mr. Murphy: Tell them wehther or not you were well, able to work and all right before you went into the army.

Mr. Fitzgerald: Yes, sir, in good physical condition.

Mr. Murphy: Didn't two men swear to your disability?

Mr. Fitzgerald: Yes, sir, Thomas Hanley and Thomas Morgan.

Mr. Murphy: Have you heard any more from it?

Mr. Fitzgerald: No, sir, I am not able to work now.

Mr. Murphy: Your people are not rich, are they?

Mr. Fitzgerald: No, sir. I was given 25% disability when I was discharged and the Veterans' Bureau says my disability is less than 10%. Those doctors haven't got my feelings, don't know. If I was able to work I wouldn't ask them for a dime. I haven't had a well day since I was injured that time in 1917. I can't sleep at night.

Mr. Murphy: Is this the first time you have ever had an opportunity to tell your case in public?

Mr. Fitzgerald: Yes, sir, it is.

Mr. Murphy: Of course we have correspondence all about that—Bureau in Washington. Anybody that wants to question that young man as to whether he is telling the truth or not? They are not being tried for nothing. These boys are telling the facts. They are not under oath. When you jump up in the Legislature to speak you are not under oath. We have a number here. Mr. T. J. Prewitt, come on up here. Here is a disabled veteran, of course anybody can see that by looking at him. Go ahead and tell them how many days and months and years you have been writing letters and trying to get a little compensation and tell them your condition.

Mr. Prewitt: I commenced in 1921. I wrote a letter and then I drawed compensation in 1921, $35.00. Then I drawed from that on two checks after that, $9.00. Three checks, one for $35.00, two for $9.00 each. After the $9.00 checks then I have been cut out and haven't drawed anything since. For the last five years I have been trying to get my compensation. Well, when I was in the army, the S. A. T. C. pronounced me Tb., so I have not been able to draw anything since. I came from—I was in Alabama.

Mr. Murphy: Tell them your condition, whether you are a strong able-bodied man like you were when you went into the army.

Mr. Prewitt: When I went into the army I was a strong man, could do anything I wanted to, stay at it as long as any-

body, as the next one. After I come out—I was in the army with flu and pneumonia and after I come out I couldn't stand anything. I haven't been able to do anything since. I was a stout, sound man before I went in. I was in there eight months and two weeks. Went in there in 1917 and come out——

Mr. Murphy: Tell them how many affidavits and letters and things you have been writing.

Mr. Prewitt: That is kind of hard to tell. I have written so many. About all I have been doing, getting up affidavits.

Mr. Murphy: Got some lawyer here, didn't you? Get affidavits from men in the army with you?

Mr. Prewitt: I sent in about 25 affidavits; the first lawyer got my compensation was lawyer Redwine in Winchester; my back pay was $35.00 and the two next pay was $9.00 a month and I drawed two checks after I got my draw pay and that was the last I got and I haven't found out what was the reason they cut me out. They never sent me no word or nothing about it. I have had Mr. Murphy here and Mr. House hold of the case and I ain't never found out nothing yet.

Mr. Murphy: Comrade Hulett, where are you? Here is a member of the Post in Lexington, a young man spent five and a half years in the regular army—on the front page of all the newspapers in 1916 throughout the United States as being the man who killed the two Mexican bandits down there and recommended for the Congressional Medal of Honor, was shot through the knee and a picture, of course, in all the front pages of the newspapers throughout the United States. He is a member of this Post, his good people are here in Harrodsburg. Of course he was in the World War, he was in it. He can tell you about whether he is getting justice from the Veteran's Bureau. I haven't been handling this case, just recently learned. He is a fellow that don't kick.

Mr. Hulett: It is a pleasure to me to get up and have the opportunity to tell the public what I think about it. I enlisted in the army, February 1, 1915, and went through Mexico and

I was as sound, healthy man before I went into the service as anybody.

Mr. Murphy: After recommended for the Congressional Medal of Honor, this silver star was awarded—very few of those in Fayette county.

Mr. Hulett: I was a man weighed 185 pounds, in the army five years and a half and weighed 131 when I come out five years and a half later. I think that is a pretty big downfall in weight. While I was in Mexico, if I had listened to the doctors of the United States army, I would have had my left leg off at the knee. I told them to take my head off but leave my leg. So I would have been cork legged today if I had listened to them. I started out for compensation, I drawed $9.00 a month. I drawed that for, lacked a little bit of being a year, well, they cut me out, in about two years getting it back. They said: "you haven't got t. b." Well, they didn't say I didn't have it, but "we don't deny your disease at all, but we don't find it connected with the service." I said: "all right." I worked about two years, spending my own money going backwards and forth to the bureau from Harrodsburg to Louisville. I spent my own money going backwards and forwards to the Veterans' Bureau at Louisville and on my own hook. They give me an examination and Dr. Trabue was the t. b. specialist at the time. He says: "Hulett, how much you drawing?" I says: "not a red penny." He says: "What is the matter?" I says: "That is what I am spending my money for to come down here and find out." They stuck me in the hospital; after I got out and was going back home says: "no use whipping the devil around the stump," says, "I ain't going to keep it hid from you." I waited near about two months and still didn't get anything, wore out a new pair of shoes walking to the postoffice looking for my check. Well, I just sets down and writes a letter to Sergeant General and got a check for $1,550.17 back pay, didn't have t. b., and then going according to the work, I say there is nobody did any more work than I did before I went into the service, worked all day and half

the night and now I will say since I have been out of the service, I was discharged June 4, 1920, all the work I have done since I have been out, counting every day, wouldn't amount probably to eight months, and now drawing $19.00 a month, where I was drawing $67.50 a month and called back from examination and cut me from $67.50 to $45.00. And within two months, near about two months, cut me from $45.00 to $9.00, and then raised me back to $10.00 and then I finally got $9.00 more, which is $19.00, and I would like to see some of the people in the Veterans' Bureau now live one month and keep a wife on $19.00. When I was down at Louisville next to the last examination I had, one of the doctors told me when he come up to examine me, says—thumped around about a minute, says: "put on your clothes, nothing the matter with you." I says:— Then he says: "you know doctors can make a mistake." I says: "do you think you have made one?" "Oh, well," he says, "if we give everybody anything we lose our jobs." There you are, afraid of their jobs.

Mr. Murphy: Mr. Ivey, come up here. There has been some little stir about the question of whether there has been any checks stolen or forged from the disabled veterans. The Veterans of Foreign Wars in this Post at Lexington, these members, I gave you the caliber of them a while ago, they don't make any statements that they can't back up. Of course many people didn't think there ever had been checks stolen, and probably lots of people don't know that Charles Forbes was tried and convicted. We don't condemn every board, but we only condemn those that are guilty. Now, we can show you here, we are going to make—I wouldn't say that statement is made true in behalf of this Post here, I am giving the facts, we don't have to make them true, because they are true, by their own records and letters. This gentleman lives here, married, the son of an old Union soldier. He had two sons in the army, both disabled. William Ivey, the first reward he got was $558.06, came to this office right here in the city of Lexington. This boy, William Ivey, is not here tonight and he has a good

excuse. He is in bad shape. In fact when he made out his application for a bonus his fingers were drawn. I went to the hospital out here when he was there with a broken leg. They sent it back because they couldn't get the print from this. He weighs about 85 pounds and he is not here from whom the check was stolen, but there wouldn't be any question about that, we have his father, Mr. Ivey can tell you, and of course this is not news, here is the Courier-Journal about that William Ivey check, of course it wasn't in the Lexington papers, nobody getting excited about a check, when it is on the front page of the great Courier-Journal—no man of the Veterans Bureau—but when these boys went out after an attack had been made that checks had been stolen then of course—I handled his—it was first claimed he had cashed his own check and then forwarded to Ohio—and cashed it. We have a letter here in which it is said there were six cases of forgery in the Seventh District. This man who stole this check and cashed it and—when he was caught on that—Mr. Ivey attended Federal Court there in Cincinnati—the records will show it, it was discovered he had stolen three instead of one and he went to Atlanta.

Mr. Fowler: What year was that?

Mr. Murphy: Mr. Ivey will go into that and it was since the war and we don't say this was done yesterday. We got all the dates and letters and everything; of course you know Forbes was Director before General Hines. You know it takes several years in Federal Court to get them in the penitentiary. We will go into all these dates and everything here, but Mr. Ivey—and he has another boy disabled—he will tell you about what he did and how many trips they made to the bureau office trying to get the check and a year and a month and what they said to him about his stolen check. That did not appear in the papers in Lexington. He is entitled to tell these facts. Go ahead Mr. Ivey.

Mr. Ivey: He made out an application for his compensation here at this office and I lived in Clark County and he

was in bad health and couldn't come this long ways and my wife and myself would come and go to the office and see if we could find out anything about his compensation and they told us that they would take it up with Washington and get started for him. We waited five or six months and didn't hear anything and we come back here one day and went into the office one day and asked them if they had done anything and some doctor there went and asked the young lady to look on the files and see if they had heard anything from it. She couldn't find anything whatever and he said he would write again right away. We went on home and about a month after, we come back to town and went down there and asked them and they said, yes, he had been granted compensation, $558.06, over a month it had been then; they asked my wife and me if he hadn't got his money and we told him no. They says we must be mistaken, surely he had got this money. I told them, I says, "the boy is at home and never goes away from home, because he is disabled and never goes away from home. He hasn't got it." They said they would look it up and see about it, and we lived in Clark County, right smart piece to come backwards and forward, didn't have no machine then had to drive in the buggy, and didn't come often. I suppose it was two months before we come back here and went down to the office and asked them about it and they hadn't heard anything and we made five or six trips there and didn't hear anything and we moved here to Lexington then in the meantime and yet hadn't got any word from it and Tine McCoy, a policeman, a relation of ours, was out to my house one Sunday and we was telling him about it and he told us why did'nt we get Mr. Murphy to look into it, he might be able to get it started. We come down here and asked him if he would look into it and he said he would be more than glad to and did and about a week after we asked him to look into it two detectives come to my house, a policeman brought them there and wanted to see the boy and he was out in the country five or six miles and these detectives wanted to know if the policeman could find the way

and I told them, I says, my son here will go with you and show you right where the boy is at, and they got in the machine and went out there and they went out there and questioned the boy. They made him take and write his name on a piece of paper with his right hand and then turn and write it with his left hand to see if either one of those hand writes would correspond with the hand write on the check. They taken that and went on back and in a couple of months after that he got word that they had got it straightened out but he would have to give bond before he could get his money. He come here and got two men to go on his bond for $2,000.00 and in a short time after that he got his check but he also got this check, it was just a year and a month from the time this check was issued until he got it.

Mr. Murphy: Did your boy attend Federal Court when this fellow was sent to the penitentiary?

Mr. Ivey: Yes, sir.

Mr. Murphy: Did he tell you three checks were stolen?

Mr. Ivey: Yes, sir, $2,200.00 and some odd dollars.

Mr. Murphy: Do you know how many years he got?

Mr. Ivey: My boy said he got two years, I think, and a fine.

Mr. Murphy: Where is your boy now?

Mr. Ivey: He is in Lincoln County.

Mr. Murphy: Have you got another son, Cecil, here?

Mr. Ivey: Yes, sir.

Mr. Murphy: Is he disabled? Tell them about his compensation and about this fellow Clark if you know him.

Mr. Ivey: My other son was drawing, I think, $22.50 a month and they cut him down to $13.00 right lately. I think the last check he got a letter with it that his next would be $13.50. I don't know why they did it. I don't think he had been examined lately. The Mr. Clark that Mr. Murphy spoke about is a neighbor of mine and has to be helped, he is helpless, they brought him down here tonight but he couldn't stay, he wasn't able to stay and my son had to take him back home.

I forget what he was drawing, I think about $135.00; he has a wife and three children, and he was drawing $135.00 and they cut him to $75.00.

Mr. Murphy: Tell them about them stopping after he got this check they stole.

Mr. Ivey: This other boy, they stopped his checks I think about nine months.

Mr. Murphy: You mean William Ivey. You are a poor man?

Mr. Ivey: Yes, sir. They stopped paying him for nine months.

Mr. Murphy: Give any reason why?

Mr. Ivey: No, sir.

Mr. Murphy: Then you had to write a lot of letters about that, didn't you?

Mr. Ivey: Yes, sir, a dozen or more.

Mr. Murphy: Has this boy ever been able to work since he got out of the army?

Mr. Ivey: No, sir.

Mr. Murphy: And he wasn't overseas, was he?

Mr. Ivey: No, sir. The other one was overseas fourteen months.

Mr. Murphy: This happened about 1922, did it not?

Mr. Ivey: Yes, sir.

Mr. Murphy: Since the Bureau was here in Lexington?

Mr. Ivey: Oh, yes, sir.

Mr. Murphy: Tell them where you live so if anybody questions you.

Mr. Ivey: I live here in Lexington. Third Street in Highlawn.

Mr. Murphy: You have two boys and they were both in the army?

Mr. Ivey: I have four boys.

Mr. Murphy: I think if anybody questions the stealing of checks, of course the court records show it and also I have a letter here from the Veteran's Bureau at Washington where

they say there were six checks lost. Here is a letter from W. H. Moore, Chief of the Treasury Department, in which he says: "William Ivey, whose Veterans' Bureau check for $558.06 was stolen, forged and cashed." This was in 1922. It all took place since the war. I have a letter here which says there were six. This is from T. H. Scott, Acting Director, says: "Since this is one of the six cases of alleged forgery reported from District 7, reported by the Special Disbursing Agent, regarding which investigation is being conducted by the local secret service, Cincinnati, Ohio." There is no question about that. Nobody denies that any more than they will deny that Forbes—if they want to question the statements these boys at the Hugh McKee Post put out in Lexington are true, and no one would question any member of that Post.

Comrade Stewart, tell them how long it took you and how many thousands of dollars you have drawn, how long you have been working on this case. This is Clarence Stewart. He isn't a member of this Post. He comes of a good family here in Lexington, nobody doubts him.

Mr. Stewart: Ladies and gentlemen, I haven't got very much to say, only I have been from the Marne to the Rhine. I served in Company D 8th Machine Gun Battalion. When we got up and made our destination I was there four days and I taken the flu and laid around there in my company until one night I went out of my head with fever and they sent and got a medical sergeant and sent me to the field hospital. Well, it was about three hours before I got in bed, laying around on the table, doctor inspected me next morning and stopped at my cot and one said to the other, says: "there are four patients in here that I have got to get to Coburn as soon as I can get an ambulance, and this is one of them." I stayed at Coburn, I think, about sixteen weeks with pneumonia. If there was not something the matter with me Uncle Sam wouldn't have sent me back convalescent from Coburn, Germany, to Louisville, Kentucky. He would have put me in with a pack on my back. I put in disability here about three years ago. They

fixed my teeth. Next thing I heard of wasn't in line of duty. When I got back to Louisville, Kentucky, the boys in the hospital ahead of me, I says, "how long you been here without an examination?" He says, "some of us been here forty-five or fifty days." I says: "I'm not going to be here forty-five or fifty days. I'm going to Lexington." I come to Lexington. I took a few shots and stayed here eight days. Went back and they put me in front of the board that afternoon. I had a drink or two in me and run me back to the ward and stayed there a couple of weeks and took me up in front of the major, which I didn't know at that time, was a disability man. He says: "Stewart, I'm going to pass this afternoon," and I said: "all right, I want to get out of here." I went to the Depot Brigade from there and that examination was about the same as in the Base Hospital. I passed them all until I got to the lung and heart, and they held me up, marked me back to the Base Hospital. Naturally I wanted to get out. I raised the mischief up around the infirmary. Some of the lieutenants up there said what doctor held you up and I said he was a fleshy doctor, he said: "If there is a doctor on that board knows his business, he does." I said I was going out of there. He said: "I can get you out of here in a couple of days through an x-ray," and that is the way I got out of the army. And I met Mr. Sorrey, I met him up here and he told me to get some affidavits and fill them out and forward them to him, 707 Trust Building, Louisville, I think, which I done and you know it takes a right smart while to make them out and half the time you can't find comrades and things with you to make them right. So I waited about three weeks; didn't hear anything from Mr. Sorrey so I writes him a letter, and he said he hadn't seen my application yet. It had my return address on it, good scribe wrote it. It never has been found. I quit, and that is all I have got to say.

Mr. Murphy: Comrade Hellard?

Mr. Hellard: I haven't anything to say.

Mr. Murphy: Come up anyway. Tell them how much—

Did you ever draw anything or what are you drawing now and what is the trouble with you?

Mr. Hellard: I never drawed anything and ain't drawing anything now.

Mr. Murphy: Tell them what you tried to do about it. Before the board down here, how many times?

Mr. Hellard: One time.

Mr. Murphy: Ever hear from it?

Mr. Hellard: Heard from it once.

Mr. Murphy: Hard of hearing at that time?

Mr. Hellard: Yes, sir.

Mr. Murphy: Did they pay any attention to that?

Mr. Hellard: No. They told me to forget it.

Mr. Murphy: And I'll ask you before you went to the army what did you do?

Mr. Hellard: Railroad fireman.

Mr. Murphy: What to you have to do now for a living?

Mr. Hellard: Janitor.

Mr. Murphy: And they told you to forget it.

Mr. Hellard: Yes, sir.

Mr. Murphy: He lives here in Lexington, told him to forget it. That's a nice way to talk to a man disabled. We could go on here for a month, but we want to show a few cases of where the Veterans of Foreign Wars has assisted men without one cent of help from the State of Kentucky, although there have been $50,000.00 awarded to the Kentucky Disabled Board. Is Squire Hill in the audience? Come up here Mr. Hill. The man who used to be here boarded at his home, didn't tell him he was entitled to $9,969.00 and he was entitled to it four years. We got it for him.

This is the case of Squire Hill, lives out Engman Avenue who had a boy who was discharged disabled and died afterwards. He ran a boarding house up here, worked here for years at Bryan, Goodwin & Hunt, and Mr. Nunnelley who used to be manager of the ..... used to board at his house but he never assisted him in getting this $9,969.00. He

came down and I helped him and he got a check for $9,969.00. Is that true, Mr. Hill?

Mr. Hill: Yes, sir.

Mr. Murphy: Do you want to tell them anything?

Mr. Hill: No, sir.

Mr. Murphy: We got that for him. Here was the manager boarding at his house—Did you ask the manager about that?

Mr. Hill: I asked him and he done everything he could.

Mr. Murphy: Did he tell you you was entitled to this $9,969.00?

Mr. Hill: No, sir.

Mr. Murphy: That is all. Mr. Harney here? This is not a veteran of foreign wars. He hasn't got his check, but it is on its way. We got a telegram a few days ago. Mr. Harney is a member of the post here. He served in the Philippines. We have veterans of other wars, men like Col. Theodore Roosevelt, Generals Wood and Pershing, members and proud to be members, and they came in just like everybody else. In 1921 he made application for pension in the Philippines in the old 44th Regiment, and in 1921 put his application in. He appeared before the board—this is another board, not the Veterans' Bureau, we will lay off of that a while—they couldn't find anything wrong with him in 1921. And of course, Mr. Harney—everybody in Lexington knows his family and people—he let the matter slide. We just decided that they couldn't get away with that kind of matter so I sent three doctors outside, we got those and took the matter up and we told them that he would be sent out of Lexington and be examined by a board somewhere else and he went to Winchester and was examined and they still died hard and wanted to send him back here to be examined by one of these doctors who refused. We sent a wire to Washington and they sent a special examiner, looking all around here to see whether the man was a crook, and he gets his pay from 1921, when he applied, which shows you he was entitled to it. He probably

never would have gotten it if we hadn't taken the matter up. Mr. Harney, have you got your check now?

Mr. Harney: Not yet.

Mr. Murphy: You will get it in a few days.

Mr. Harney: I hope you are right.

Mr. Murphy: He got a wire himself too; he will get $18.00 a month from the time in September 1921 up, which shows the way the doctors make it. I know another case, my own half brother appeared and they looked at him half way across the room and turned him down. I took the matter up with Washington and they gave him compensation, gave him a pension without an examination. As far as they know he may be a crook and there may be nothing wrong with him. We have Cassius Crow who applied in 1921, had a paralytic stroke—and all such things like that.

It may seem amusing to some of you who are not disabled but there is a colored man—to be fair he didn't lose his eyes in the army. He lost them a short time after he came back from France. I helped him to fix out his application. It was found by doctors he had heart trouble, how long ago John? When did you get that last letter that they had cut you out completely?

Colored man: Two weeks ago.

Mr. Murphy: Any doctor knows you don't get well of heart trouble right off the reel. They give it to him for heart trouble and proved by affidavits by good people he worked for before the war that he was in sound health. Now they have cut him off. That's all, John. That is as much as we care to tire before. That's all John. That is as much as we care to tire you with now. We have a few more cases but we don't care to keep you here for a week. Captain Keller, do you want to say a few words. Here is a man, a Confederate veteran, who is an honorary member of this post. We don't go on the idea that there is only one war. We make them honorary members, but we don't allow them to pay any dues. Confederate Veteran and a son of a Confederate Veteran.

Captain Keller: I can't hear very well, but I have learned tonight there is a fore-taking and an after-taking. When a war breaks out everything is done to encourage young men to go in and fight. After the war is over they are soon all forgotten and a mighty little done for them. That was our experience in our own state. Everything was done to get us to go into the army but after we came back home they soon forgot all about us and that seems to be the case now. People of Kentucky have forgotten we had a World War and hundreds of these folks are disabled and ought to be taken care of by somebody.

Mr. Murphy: This is Comrade Wilson, who is Commander of the G. A. R. in Lexington at the present time. As I tried to convince the Military Committee when that other bill—the Veterans of Foreign Wars is the only organization that says "Veterans of all Wars," and Comrade Wilson is Commander of the local Post. He is a real soldier. He is a G. A. R. Have you anything to say? (To which he answered he did not.)

Mr. Murphy: Mr. Penrod, you were too bashful to stand up a while ago. There is a comrade—how many days did it take you before your check came through after we got after your Philippine compensation for you?

Mr. Penrod: About three months.

Mr. Murphy: We fixed it up and got it. He is a member of our Post. He joined afterwards. If there is any disabled veteran in the room; that is, I mean a disabled veteran who has — who wants to say a few words about the case where they need compensation at this time, I will be glad to give them—Comrade Moore, you never got any, did you?

Mr. Moore: No, sir.

Mr. Murphy: Heart trouble?

Mr. Moore: Yes, sir.

Mr. Murphy: You applied, didn't you?

Mr. Moore: I applied, but the five year term was up.

Mr. Murphy: If there is no other disabled veteran—we just made a list of those we wanted to call on. Two years ago when we had the first test—in Kentucky—I was in Washington. I read that—I looked over the paper and saw they omitted the War Mothers and Veterans of Foreign Wars. And the minute I got to my office and I called Governor Fields over the phone and told him there had been a bad mistake made by the Acting Governor; that the greatest organization in Kentucky was the American War Mothers and, of course the veteran organization of Foreign Wars, and of course Governor Fields says: "You name a man," and I named Sergeant Willie Sandlin, and then he appointed Mrs. Hern. I was the cause of seeing that they did get on that two years ago. Mrs. Hern, do you want to say something?

Mrs. Hern: Friends, I want you to know that I just represent the motherhood of bygone days. Mrs. Oldham represents our State mothers tonight, but I don't know who was the cause of my receiving the commission, but I received the commission from Governor Fields on the Test Day. He has been very courteous and has shown every courtesy possible to the War Mothers and we are just the mothers listening at a little squabble between ourselves.

Mr. Murphy: Mrs. Oldham is here, a leading War Mother, and she held a national office in the organization, and represents Mrs. Campbell who is unable to be here for the State War Mothers. She has been a worker with the Veterans of Foreign Wars since the beginning in this state and knows what the organization is. Mrs. Oldham will now tell you.

Mrs. Oldham: I was asked by a telegram would I represent the State War Mother who was unable to attend this meeting. It has been most interesting. We know there are mistakes made but we know we all aren't villains in the bureau nor in the Legion nor in the Foreign Wars, but there are some in all of them and we are glad, of course, to know about these cases and anywhere the War Mothers can help as mothers, as Mrs. Hern says, we are glad, glad to do it and I do not think

that it seems to be a personal squabble, it just seems to be a little statement of facts about some of our boys who do not get compensation, and we know—having handled some of them ourselves. I would like to give you just a little case that I had when I was Fayette County War Mother. I went to Frankfort and there was a boy there, his name was James Goodman, I think that was it, but it doesn't make any difference because I do not remember it. He was very ill, was having hemorrhages, was very poor and it was a forged check that he was in the reformatory for and we looked at him and it was a pitiful case. I came home and went to the Veterans' Bureau, I think Mr. Nunnelly was in charge, and Mrs. McDowell was with me—our ex-lady chairman—and I told him that Mr. Bastin said; that Superintendent Bastin said if we would make out papers he would get him paroled and we would have him hospitalized. Mr. Nunnelly was most kind. He was most fair. He did the work just as soon as the papers came. He sent, our boy was paroled and he went to Dawson Springs and was there only—now Mr. Nunnelly said he thought he would get the back pay and compensation right straight on, he thought there would be no trouble. You know we can speak offhand but it is not always drawn out facts, so when he got to Dawson Springs, he wrote and said: "The days are so much brighter since I have been here." He died in about three weeks and they sent me word—as I said I was about the only one interested, the family had been getting—they were very poor—and so his compensation was never received, because they said they could not find facts to carry it out and we suppose if he had lived longer perhaps we would. My experiences with the Veterans' Bureau has been always fair and square and they have listened to us with the greatest respect. They have done whatever we have asked them. I have never been turned down on anything we went for, but as I say these facts show; they do make mistakes, all of us do, but as a War Mother I want to say the Veterans of Foreign Wars, the Legions are just like

twins with us mothers and while we take up no personal squabbles whatever, we stand by our boys.

Mr. Murphy: Wasn't it supposed to mention that, but in regard to the Legion, that stands with the Veterans of Foreign Wars just the same as a Baptist Church with the Methodist Church. You Baptists would never give up your affiliations and do your worshipping with the Methodists, neither would you join the Presbyterian Church, the church I am a member of. I wish them God speed and they do their work their way and we do ours. Ours is a secret organization. That is why we tried to venture down there that the Veterans of Foreign Wars would take no orders from the Legion or they from us. Neither would the Democrat party take orders from the Republicans and you all should know these things. Lots of people don't know the difference, but we are going our way. They go theirs, but we are all Americans and working for the same cause, supposed to be at least. The only difference, our organization being composed entirely of overseas men and being composed of veterans of different wars, and theirs being composed of men of only one war, we of course are in a position to know more about men like these and the others than those veterans of only one war. That is why we don't have any fight with them; that is their business and we run our business and they run theirs, same as Masonic Order runs theirs and Knights of Columbus runs theirs, and always will be that way. So the G. A. R. runs theirs and the Confederates run theirs. And anyone that thinks otherwise don't know what they are talking about. One other matter, the last thing—no one doubts about checks being stolen. If they do they can go to the records. I don't think anyone questioned Mrs. Barlow's testimony. Anyone question these comrades who have testified here? The last thing is in regard to Sergeant Willie Sandlin who don't need any defense, but we have to rely on the press, and I am a strong believer, of course, in the press. We, the Veterans of Foreign Wars own the only veterans' paper in Kentucky and conduct it according to our own liking. We don't take sub-

scriptions on it, you can't subscribe to it. We run an editorial policy controlled by the Veterans of Foreign Wars. Recently, —it don't mean anything, but in case some people might take it for granted, this appeared on the front page of the Louisville Times, an article in the Courier-Journal too. don't know whether it is true or not, but will read it for what I see. This is the head lines on the Times: It is amusing to me to know that Sergeant Willie Sandlin or anything about the medal of honor, but it says: "Denies rights of hero withheld." Veterans' Bureau head says records fail to show Sandlin wounded. Propaganda being sent out by the Veterans of Foreign Wars to the effect that Willie Sandlin, the Kentucky World War hero, is being deprived of his rights by the Veterans' Bureau or that he was wounded twice and gassed in the service is not borne out by Government records, declared Col. F. M. Roark, regional manager of the Veterans' Bureau in Louisville, at a meeting of the Jefferson Post, American Legion Luncheon Club today.

Colonel Roark, a former army officer and Legionnaire, announced that when a campaign was inaugurated by R. L. Murphy of Lexington to buy Sandlin a home he was sent to Washington for a photostatic copy of Sandlin's record. This he received today. It bears out, Colonel Roark said, the records in the Veterans' Bureau files, which fail to show that Sandlin was at any time gassed or wounded, or that he was ever hospitalized.

Sandlin has been sent transportation to Louisville and has been served with notice to appear before the rating board here, said James D. Story, Jr., secretary of the Ex-service Men's Board, but has not come."

This is all of that article. The Courier-Journal is the same thing. Mrs. Oldham have you something to say?

Mrs. Oldham: In justice to Mrs. Barlow, who is one of our Mothers, member of the Auxiliary, I wish to say that Mr. Barlow's voice is certainly almost lost and I also wish to say

that from what I have seen, and I have been with him frequently, it is not a cold.

Mr. Murphy: You don't think this statement in this report is true, that he was slightly hoarse?

Mrs. Oldham: No, sir.

Mr. Murphy: You understand Sandlin needs no defense. It would be ridiculous to try to add to the honor of Sandlin as it would be for me to try to add to the glory of Lincoln or Washington. The fact is Comrade Sandlin has been a member of the Veterans of Foreign Wars for two or three years, I have been with him, he has met General Pershing, President Coolidge, and lots of other people,—in Atlantic City, out west, thousands would turn out to hear him speak. A real veteran, and called the most modest hero of the World War. The Veterans of Foreign Wars won't accept dues from him, brought him out and made him a member of this Post and paid his dues for twenty years. We paid his expenses, sent him—Woodfill,—had their pictures in the movies throughout the country because they are recognized. He told me he had never secured justice from the bureau. He was getting $40.00 and cut him to $10.00. Now this about him refusing to go to Louisville. I am responsible for that. He was examined in October here. Supposed to be examined every six months. Everybody knows from October to January is not six months. I happened to be in Louisville at—a gentleman rose up and wanted to know what I had—I said that matter has been up—we have a legislative chairman—nobody but disabled man should handle disabled men's business. And then Hon. John M. Robsion, Congressman of the 11th District, stands as high as any Congressman in Washington, worked on his case and we took all—took an appeal, he was in the hospital in Chillicothe, Ohio, in 1924 and this honorable gentleman says: "We ordered Willie Sandlin down to be rerated." I say that was not the question. He was examined in October. That man deserves a home from the people in Kentucky and if we don't raise it in Kentucky we will outside, and I don't think he is

coming down here. I wrote him and he wrote back, says: "I will stay at home." I have the letter here, if you want to question it. That man is too big to be even anyone insinuating or belittling him in any way.

Now of course a lot of comrades here have been on the front in France and no records, they know the records at Washington don't always show wounded or gassed, but just one thing to find what a man is is to go back to his own company. There is a letter I received today. Senator Ernst subscribed $100.00, Congressman Robsion $50.00, Virgil Chapman $15.00. So far we have three or four from members of the legislature, but that is all right. Here is $25.00 from his own captain on there, he served in Company M, 342 Infantry, there is his corporal, sergeant, a man 50c, here is what they say: (The cashier of the bank writing this letter and to think that anybody in Louisville, if that is true, would attempt to belittle a man like that. This letter says:

The paid subscriptions from former company M, 342 Inf. men are as follows: ..... $60.50.

We didn't ask those boys to subscribe. They wrote to Comrade Sandlin and then went out and got the roster of the company. They know whether he was wounded or gassed up there. Thousands of men wounded and gassed and run off to the hospital and the records don't show that. You can go to Washington and the records don't show half of those men were in the Civil War. That is ridiculous on the face of it. I wanted to say that about Sergeant Sandlin. He needs no defense. Kentuckians, Irving Cobb, and all like that have subscribed to this fund which the Veterans of Foreign Wars are raising and are going to raise to buy a home, Sergeant Woodfill who lives at Fort Thomas—born in Indiana—the people of New York gave him $3,000.00 in cash. Kentucky didn't give him anything. Governor Edwin P. Morrow, on that committee, made a contribution, all men like that and then to think that a thing like that would get in a paper in the city of Louisville. And say we are not Kentuckians and

Americans? He says in this pamphlet his compensation was cut from $40.00 to $10.00. He says that and hasn't been treated square like these men might—who saw service on the front, real men, and go down and ask the Veterans' Bureau or somebody at Washington City. Those men know they are telling the truth. Nobody will question his integrity. If these papers are true they won't attempt to belittle Sergeant Sandlin. These comrades here in Lexington took that matter up. A man like that—it looked so bad, when his baby four years of age, only been dead just a short time up there in the mountains 16 miles from a railroad and they sit in Lewis' restaurant in Louisville and talk about Sergeant Sandlin in Leslie County. If that is true, the men who made those statements are not fit to polish his old rough brogans up there in Leslie County.

Another thing about Veterans of Foreign Wars of Kentucky, we have three national officers of the organization here in Kentucky, when New York, with 1,000 delegates and visitors and all in camp and we, on account of the Veterans of Kentucky and having such men as Sandlin, Woodfill, Creech, men like that, have given three national officers. We have one with us tonight, youngest, he beat two very prominent ministers or Jewish Rabbis and Priests and things of that kind, and it is nobody but Rev. Joseph B. Head. He was studying for the ministry but left at 17 or 18 and went into the navy. Been disabled and never drew a cent, of course. At this time I want to introduce to you Rev. Joseph B. Head, National Veteran of the United States and—

Rev. Head: Ladies and gentlemen, I was called over long distance phone by Commander Murphy to be present at this meeting tonight. I represent, I think, the greatest class of men in the world, that is the American clergy. I have the honor of being the National Chaplain of the Veterans of Foreign Wars. Why they elected me, I can't say, and as to my local standing here I happen to be president of the Baptist Ministers' Conference of the Blue Grass of Kentucky, repre-

senting something like 40 odd churches and it seems to me this discussion resolved itself into this: The question of justice as a member of the Veterans of Foreign Wars whether I was a member of that organization or any organization, I should want to see justice done in any particular case, whether it was compensation for a Veteran of Foreign Wars or American Legion or the G. A. R. or any other organization, I want to see justice done. I do know that when I was discharged from the service I was disabled. They didn't hardly give me an examination when I was discharged, was sent to the Marine Hospital at Louisville, stayed several weeks, operated on, my eyes were very severely injured in the service and I was pronounced perfect when I went in the service. I took the question of compensation up at that time. I went back to college where I was preparing for the ministry and due to the red tape I had to go through with I lost so much of my college work I just gave the question up. I have never taken it up any more since that time but about these cases that have come up tonight I want to say this to the representatives of the Kentucky Legislature: It was my privilege to be at the Legislature a few weeks ago in conferenc with same members of the House in regard to the proposed bill the Veterans of Foreign Wars wished to place through. The state of Kentucky has appropriated several thousands of dollars—how much I am not prepared to say—to disabled veterans and to my mind I should think the people of Kentucky should know just how many veterans are being helped by that money. In conference with one of these men in the house, he agreed, a man of high standing in the House of Representatives, Captain Strange, he agreed that the Veterans of Foreign Wars should have recognition on some of the disabled men's boards as Veterans of Foreign Wars took in not only veterans of recent World War, but the others. I have an old grandfather who served in the Confederacy who is now in his 91st year, who is entitled to a pension. The old gentleman, up to a few months ago, had never received one penny. I asked him not long ago

why he had never received it and he said he had applied but there was too much red tape. I took the question up. I went to Frankfort and I found out that by one little technicality in his name—in the place of being Samuel it was Sylvester—they had his record mixed up, but after pressing the matter with the government records, I finally found his record, after they had told him that his record was not clear or hadn't been found. I managed to get him the pension through the Veterans of Foreign Wars so of course the old gentleman wouldn't—won't enjoy his pension very long now because he is in his 91st year, but it seems to me in the distribution of funds of the state of Kentucky that it should be distributed to the organization that can serve the most veterans. I say the Veterans of Foreign Wars should be represented on that Board that metes out the distribution to the soldiers, sailors and marines of the different wars. Why shouldn't they be? The Veterans of the Foreign Wars is the oldest organization of veterans in the United States. It comprises veterans of all wars, organized in 1898 and has been composed of America's soldiers, sailors and marines who fought on land and sea. Just this question to the Legislative Committee, just this one thought: When that conference was held in Frankfort, Captain Strange agreed that the Veterans of Foreign Wars should have some appropriation to carry on their work that they had. He first said he would try to get it through a single bill comprising the Veterans of Foreign Wars and Spanish-American War Veterans. The bill was drawn just why the two bills were separated I am not in position to say but I do know that the Veterans of Foreign Wars' bill was killed in the committee somewhere and that the other bill was passed. Just why that should have been done I am at a loss to understand. Perhaps that can be explained. I am always willing to accept an explanation and I think an explanation should be made. I don't think anything personal should be entered into the question of our veterans getting what is due them. I know that the Veterans to-day, some of them, are not getting the things

they should have, but all I ask for, ladies and gentlemen, is justice. The ministry stands for justice and I lift my voice anywhere in the United States that I can lift my voice, not to run down any organization—God forbid I should run down any organization, I respect any organization that has real, red blooded American citizens in it, that are standing for right and justice, and I will cooperate with any organization that is trying to do things for the good of the men who fought America's battles, but I do say we should receive justice and it seems to me in many particular cases in Kentucky we have not received justice. Looks like the state of Kentucky is spending a great amount of money and I want to say this, that I think on the Veterans' Board we should have disabled men holding office. We can find so many representatives from these organizationss who can fill these places very efficiently and I think it should be done and all I ask for is that justice be given to our men who are in need.

Mr. Murphy: The board he had reference to, that bill has passed both houses that appropriated $35,000.00 to continue the Kentucky Disabled Board in Louisville for two years. It must be kept, according to it. Just like—it pays secretary $3,600.00 as his salary. I stated to them you ought to give a disabled man $1,800.00 to hold that job and the Lieutenant Governor is a member of it and they appoint the third member, but that is gone, but the Veterans of Foreign Wars —Senator Hamilton introduced—not to treat the organization equal because we know $30,000.00— a disabled men's board secretary does not need $3,600.00 and expenses—introduced in the Upper House for a Veterans of Foreign Wars Relief Board and a secretary draw $1,800.00 and introduced in the Lower House but the papers gave the credit to Dr. Vallandingham and it was introduced Monday a week ago, that it was given an adverse report by the Military Committee. Mr. Berryman hasn't been able to find anything about that. He was to get a hearing on that. A bill was introduced to provide a—for the Spanish War Veterans. Of course, an organization

composed of men like Sandlin, Creech, Woodfill of course an organization like that is ignored if they asked for assistance they have to go to another organization to make appropriation down there and of course anyone knows, if anybody wanted to question in court, I think that is class legislation. That is what that Board is. We didn't have an opportunity and I don't know if the Military Committee—we will take that matter up later. We have the Senior Vice Commander of Kentucky who has a resolution to present, Comrade DeGott from Louisville.

Mr. DeGott: It gives me pleasure to introduce this resolution. We do not intend to hide anything. It has always been our motto—fortitude and loyalty to all irrespective of denomination, creed or color, whether he is overseas or not. This resolution is:

Whereas, it has been reported in the press that one F. M. Roark, Regional Manager of the Louisville Veterans Bureau Office, has appeared before a certain Luncheon Club of ex-service men in that City and made derogatory statements concerning Sergt. Willie Sandlin, the holder of the Congressional Medal of Honor (the highest award within the power of the United States Government) and who was the only Kentuckian to be awarded that decoration during the World War, and

Whereas, the Captain and a number of men who served in the same company with Sergt. Sandlin in France, have subscribed liberally toward the fund to purchase him a home and they are in a better position to know the facts concerning Sergt. Sandlin than a paid employee of the Veterans' Bureau that has cut his compensation from $40.00 to $10.00 per month, and

Whereas, the duty of the said Roark is to attend to the business of looking after the claims of disabled veterans, and not to spend his time attending conventions and luncheon clubs on government pay, attempting to belittle the record of the greatest American hero, and who is a credit to the state and nation,

Now therefore be it resolved, by members of the Veterans of Foreign Wars, War Mothers, Civil War Veterans, and other patriotic citizens, at a mass meeting assembled in Lexington, Kentucky, on February 17th, 1926, go on record as strongly condemning the reported statements of the said Roark and that we request that he be discharged from the Veterans Bureau or transferred from the State of Kentucky, and that we go on record as urging every patriotic Kentuckian to subscribe to the fund now being raised by the Veterans of Foreign Wars to purchase a home for Sergt. Sandlin, and that we believe that every citizen of this Commonwealth should feel highly honored in having such a distinguished and modest hero as Sergt. Sandlin a native of this State.

Motion to adopt the above resolution was made, seconded and carried.

"Whereas, time has proven the utter lack of wisdom of organizing the Veterans Bureau to care for the disabled veterans of the World War, and

"Whereas, there are now thousands of disabled and needy veterans unable to secure compensation, due to no fault of the veterans,

"*Now therefore be it Resolved* by members of the Veterans of Foreign Wars, Civil War Veterans and other patriotic organizations and citizens, at a mass meeting held at Lexington, Kentucky, on February 17th, 1926, go on record as approving a straight pension for all disabled veterans of the World War, which we believe will afford relief to all disabled veterans, eliminate graft and inefficiency to a great extent, and save the Government millions of dollars; that a copy of this resolution be forwarded to the Senators and Representatives of Kentucky, and urged that they use every effort to bring about this change."

Motion to adopt resolution made, seconded and carried.

Mr. Milam: Mr. Chairman——

Mr. Murphy: You are out of order.

Mr. W. C. Wilson: In there you have a statement about an open mass meeting held, eliminate that part of that resolution.

Mr. Murphy: This meeting is financed and paid by the Veterans of Foreign Wars. They are conducting their business and at the proper time we will see that the members of the Legislature be extended proper courtesy just like if I was down there I would wait outside until they got ready for me to go, like they did once. But we will do it at the proper time and we conduct our own business, you see.

Mr. Milam: Don't you accord your guests the same privilege?

Mr. Murphy: You are out of order. This is no laughable matter when we present men before you tonight who are half dead.

"Whereas two employees of the Veterans Bureau in Lexington, Kentucky, have filed with the claim of Oliver K. Barlow, C-1,143,226, a paper purporting to be a statement made by Mrs. Oliver K. Barlow, that on January 12th, 1925, her husband was well and working every day, and

"Whereas, Mrs. Barlow, who is a highly respected lady of central Kentucky, has filed her affidavit that only one employee of the Bureau talked with her on said date and that she did not make such a statement, but, on the contrary, she informed him that her husband's health was in a serious condition, and

"Whereas, two other employees of the Bureau have filed with said claim, a purported interview held with said Barlow, containing certain false statements, and

"Whereas, such treatment of a disabled veteran like Barlow, who was wounded three times and gassed on the front in France and who volunteered at 17 years of age, to fight for his country and was discharged on crutches and spent about seven months in hospitals at his own expense, and expended about $3,000.00 of his own money, should not be subjected to such treatment, as it is the duty of every paid employee of

the Veterans Bureau to assist disabled veterans and not to attempt to have them denied their rights,

"*Now therefore be it resolved,* by members of the Veterans of Foreign Wars, War Mothers, Civil War Veterans, and patriotic citizens assembled at a mass meeting at Lexington, Kentucky, on February 17th, 1926, go on record as condemning the said acts of the said employees of the Veterans Bureau, and that we demand a thorough and complete investigation by the office of the Director of the Bureau at Washington, and that the employees guilty of filing the said false statements be immediately discharged from the service; that a copy of these resolutions be forwarded to Frank T. Hines, Director of the Veterans Bureau, and to the Senators and Representatives from Kentucky, requesting prompt action in the matter."

Motion made, seconded and carried to adopt the above resolution.

(There were several protests made against the words "Mass Meeting")

(Also some objections to "other patriotic organizations" being used in the resolutions.)

Mr. ————————: I don't want my organization mentioned.

Mr. Murphy: It is not mentioned.

Mr. House: Any criticism of that sort, I move that the three resolutions passed just name the three organizations, Veterans of Foreign Wars, Confederate War Veterans and War Mothers, and that will make it fair to everybody.

Mr. Murphy: Of course, anybody have any conscientious scruples—Mrs. Barlow's testimony, we will allow them to state that she is here before you. She has filed a sworn affidavit and we have the correspondence. Three men went to her house a few days ago but she didn't sign any more affidavits. I don't think they have a right to investigate themselves.

Mrs. Oldham: As representative of the War Mothers, I think that we would rather not have our names spoken of because we are not represented, we would have to go before the Board.

Mr. Murphy: We are leaving your name out. We don't want anybody's conscience to hurt them. You don't question about Mrs. Barlow, do you?

Mrs. Oldham: No, indeed, I said that.

Mr. Murphy: You don't question any statement made by any disabled man here tonight?

Mrs. Oldham: Absolutely not.

Mr. Guthrie: Might I ask just now what organizations and what citizens that resolution included?

Mr. Murphy: Only those named.

Mr. Guthrie: There have been several excluded and I would like to know. I have no organization.

Mr. Murphy: What are you asking for?

Mr. Guthrie: I am a citizen. I heard it refer to a citizens—patriotic citizens were mentioned. I have no organization. I am merely a citizen of Lexington and heard it read in the resolution.

Mr. Murphy: You are out of order. The Court House is open, bills can be bought from the printer and any organization has the right to hold their own meeting, but that is their business whenever they get ready. We hold this and I hope you all, everybody, understands that. Now we will get—the gentlemen from the Legislature. I also discussed it with a few members of the Legislature whose names I am not—think that probably when that motion was put down there might have been some apprehension that the Veterans of Lexington were going to make a lot of false statements and like that. We have presented tonight what was on our invitation. If any of you gentlemen there, you four or five, have an invitation, are all invited to listen to this testimony. We are not here to try anybody, nobody is on trial. These disabled men are not on trial and are not going to be. They are here to present their

side and we are here to present to the public in open meeting we hold ourselves. That bill—the Senate took no notice I understand of that, but in the house—we discussed it with a number of the Veterans of Foreign Wars and until we are satisfied what became of that bill which was introduced for Veterans of Foreign Wars Relief Board, if that is true in the papers, I don't say it is true, it couldn't have been introduced until sometime last week, not before last Monday, a week ago this last Monday, if that is true that it came out of that military committee within three or four days with an adverse report, of course, we Veterans of Foreign Wars would not feel like that a committee consisting of three members of that military committee would hardly be the ones to pass on anything connected with the Veterans of Foreign Wars until we know more about that, and I want to say that—I want to ask this question: Do you recall that bill Mr. Berryman introduced?

Mr. Fowler: I recall the bill and when I am accorded the privilege of the floor I will explain it.

Audience: Give him the floor.

Mr. Murphy: The gentleman will be accorded all courtesy at the proper time but first I want to ask is it true that that bill was introduced by Mr. Berryman on last Monday week and an adverse report given last week or not?

Mr. Fowler: I want to ask you a question in return. Do—

Mr. Murphy: Do you recall whether that was done or not?

Mr. Fowler: Just a minute. I want to ask you a question in return first. I understand you are a lawyer. Would you want to face the jury with a client of yours and let your case go to that jury when the prosecution has been the only one heard?

Mr. Murphy: I am asking you about the bill first. I want some information first and you are going to be given an opportunity. We are interested. I have a right to know. We are interested in this bill which the organization was asked to introduce by different members. I will ask any of you

gentlemen on that military committee whether that bill was introduced and given an adverse report, in which the Veterans of Foreign Wars only asked for $3,000.00. I would like to know. We are entitled to that information. Mr. Berryman seemed to be unable to give it to us, whether that bill was considered by the committee last week. We would like to have that information. And you certainly—if you can't give us information about legislation which comes before a military committee, why should you insist on us extending to you all kinds of courtesy? It is fair all around. We are entitled to that information before we allow the privilege to you gentlemen. These boys who worked so hard on that bill had Mr. Berryman introduce it, are entitled to know. Can some of you tell whether or not that bill was before the committee? Could any of you other four gentlemen give me that information?

Mr. Holbrook: I will be glad to answer that question through our chairman.

Mr. Murphy: He has refused to answer it.

Mr. Fowler: I have not refused. I do not want to answer the question until I have been given the floor and can explain it.

Mr. Murphy: Mr. Fowler, didn't you state a while ago that I had a hearing before your committee on the bill?

Mr. Fowler: I did not.

Mr. Murphy: Then that is why I am asking about that bill.

Mr. Fowler: When you grant me the floor, sir, I will be glad to explain it.

Mr. Murphy: I think we are entitled to know what became of the bill.

Mr. Murphy: We are going to give him the floor but are asking for information. You are given the floor, Mr. Fowler, for this purpose, I want to be fair with you. We have asked you for information. We are going to give you the floor to speak on the Veterans of Foreign Wars Relief Bill. Give me

that information in five minutes, then after you give us that information then probably we will extend the gentleman the privilege of speaking. Do you want to give us that information in five minutes?

Mr. Fowler: I represent a committee sent up here by the Governor to investigate this meeting and that committee has been insulted and I call on you people here to— (Applause).

Mr. Murphy: Mr. Fowler, you want to give us that information about that bill?

Mr. Fowler: When I may have the privilege of the floor with no strings on it, I will be glad to give you the whole information.

Mr. Murphy: On that bill?

Mr. Fowler: I don't want any strings when I am on the floor.

Mr. Murphy: I want that bill.

Mr. Fowler: I will give you the information on that bill, but other things too, big boy.

Mr. Murphy: If you want to discuss all the evidence brought here before you tonight?

Mr. Fowler: I don't want to discuss that.

Mr. Murphy: Well, discuss this bill that was offered by the Veterans of Foreign Wars before the Legislature. Have you any paper or any sort of authority from the Legislature or any resolution. What does that resolution—what authority do they invest you with? We are entitled to know that.

Mr. Fowler: When you are called before the Committee you will be informed of the authority of that committee.

Mr. Murphy: We are entitled to know that.

Mr. Fowler: I do not intend to stand up here as a citizen of Kentucky, a member of the Legislature, and be heckled by you or anyone else in the performance of my duty.

Mr. Murphy: Mr. Fowler, you are given the same consideration all these other people will be, and we understood

from the paper that you gentlemen were authorized to come up here and inquire into these facts, is that true?

Mr. Fowler: When I am granted the privilege of the floor I will explain my purpose up here.

Mr. Murphy: Mr. Fowler will be allowed to speak on this resolution which we read in the paper. Is that fair to you other four gentlemen or not?

Mr. W. D. Oldham: There isn't a more ardent admirer of the Veterans of Foreign Wars than myself, and hearing your Chaplain speak of fair play and reading this proclamation, now Mr. Chairman, I want Mr. Fowler to have an unlimited— I want him to be privileged to speak. Here is your invitation to come to this meeting. It says "to all patriotic citizens." I am one. You have dragged into this other things about the Veterans' Bill. Now Mr. Fowler, representing the Legislature, is entitled to speak.

Mr. Murphy: He will only be allowed to speak on—you can come up here and speak. How long do you want to——

Mr. Oldham: As long as he wants.

Mr. Murphy: On Veteran legislation—you can tell them.

Rev. Head: Let me say one thing about this—the mass meeting here is called—this printed matter here—and speaking. It is only fair we should confine ourselves to the issue there.

Mr. Guthrie: Then why am I out of order every time I get up?

Mr. Fowler: I am not an accomplished speaker. I don't know how long, but I would imagine ten minutes will be sufficient.

Mr. Murphy: Confine yourself to the issues.

Mr. Fowler: Just a minute. I will be glad to confine myself to the questions on here, but also I must with justice to the other members of this Committee which is not the Military Affairs Committee and justice to the Military Affairs

Committee, speak on some of the things that have been inferred about that Committee. Ladies and gentlemen——

Mr. Murphy: No personal—of course.

Mr. Fowler: I grant you that, same to you. Yesterday morning every member of the House and Senate received an invitation to an open mass meeting to be held in this hall tonight at seven-thirty to listen to—I wish I had one of the cards so I could read the invitation to you—but as it says here: hear the whole truth, denials of compensation to maimed and disabled veterans, stealing of compensation checks, filing false statements, attempt to, etc. I am Chairman of the Military Affairs Committee of the House. Some four weeks ago a bill was assigned to that committee by the Speaker of the House, continuing for two years the Kentucky Disabled Ex-Service Men's Bureau at Louisville, and appropriating $15,000.00 a year for two years for that purpose. Mr. Murphy called me by phone and requested that he be allowed to come before that committee. I informed him when the committee hearing would be held and invited him to be present and also representatives of the American Legion and anyone else interested to appear. After due consideration and deliberation, that committee reported that bill out with the expression of opinion that it should pass. I am proud to stand here before you and tell you that I put every effort that I possessed to pushing that measure through the House and I will tell you that it passed both the House and the Senate without a dissenting vote, but when I received this postal card yesterday, as did the other 136 of us, I went to Governor Denhardt and I said, "Governor," and by the way he is a member of the Veterans of Foreign Wars, so he informed me yesterday morning. I said: "Governor, we have gone on record as appropriating money to the aid of the Disabled Ex-Service Men. Here are grave and serious charges going to be proposed against them. I think that a committee should be appointed from the House to attend that meeting." He says: "I agree with you and will assist you to draw up

the resolution.'' This was done, introduced in the House by myself and this resolution stated the committee of five should be composed of ex-service men. That resolution was made a special order in the House and passed without a dissenting vote. If this Board is not functioning properly, is mishandling claims, any dishonesty with it—

Mr. Murphy: There was no question about the Kentucky Disabled Men's Board.

Mr. Fowler: I am explaining the reason for this committee. The Kentucky Disabled Ex-Service Men's Board works in conjunction with the Veterans' Bureau. For the benefit of those here wo do not know it, the Veterans' Bureau is a recent Bureau formed; that is, since the World War, and it was formed primarily for the benefit of the disabled men of the World War. The Spanish War Veterans, the Veterans of the Philippine Insurrection, Civil War Veterans, and all glory to them on both sides, their affairs are handled through the Pension Bureau, an entirely separate and distinct Bureau. This Committee came up here tonight in good faith, questioning no one's motive, only with the interest of seeing that justice was done. I would like to say in behalf of the Kentucky Disabled Ex-Service Men's Board that in three and a half years' existence—and Mr. Sorey if I make a mistake please correct me—they have handled approximately, rather I should say they have received approximately 35,000 individual applications—there have been 32,000 claims filed in the State of Kentucky and they have prosecuted 13,000 of them. They have secured for the disabled ex-service men of Kentucky over $3,000,000.00 in the last three years and a half of the existence of the Board at a total cost so far to the state of $50,000.00 and I am telling you folks a mighty big return on a little investment and not a soul here tonight regrets one penny of the money spent. I didn't want anyone to be under a misapprehension why this committee was here tonight. That was why I tried to put it before you, before we started. Possibly I wasn't quite as amiable to discipline as I should have been, but anyhow I

wanted to get it before you and I am thanking you good people for staying here and listening to me at last. Now, in reference to the bill in the House which Mr. Murphy had reference to, which the Military Affairs Committee, not this one, reported out adversely, he states the bill was introduced on Monday. I cannot give the exact date that it was introduced, but I know this, that it was introduced at least five days before it reached my committee. I think it was introduced on a Thursday, if I am not mistaken we adjourned and did not meet on Friday. The bills do not reach the Committee until they have returned from the state printer's where the printed copies for the individual members are printed. That bill was turned over to me on Monday and receipted for. I announced before the House that there would be a meeting of the Military Affairs Committee and anyone having bills before that committee would be privileged to appear before it. I want to say in this connection, with the Almighty as my witness, there has never been a soul since the moment that that bill was introduced in the House until tonight, there has never been a soul said one word to me for or against that bill. Mr. Berryman, the author of the bill, was in the House when that announcement was made. He did not come before the Committee. When we reported the bill out with an adverse report Mr. Berryman was in the House and under the rules of the House any time within three days he has the privilege of moving that that bill be read into the calendar, the report of the committee not to the contrary. Mr. Berryman was in the house three days following, Tuesday, Wednesday and Thursday, never came to me. I have no knowledge of him coming to any member of the committee, for I believe if they had they would have told me. He never made the motion on the floor and has never said anything to me to this day regarding that bill.

Mr. Murphy: A bill also introduced by Captain Strange that passed, did it not?

Mr. Fowler: Mr. Strange came before the Committee and advanced his arguments.

Mr. Murphy: Will you tell the Veterans of Foreign Wars, why it was given adverse report for that small amount?

Mr. Fowler: Because we did not feel after the Spanish War Veterans their post in Louisville are taken care of today at their own expense, the noble old veterans of the grand old army, but the Veterans of the Spanish War have built there to take care of the veterans that could not be taken care of under this other Board due to the fact that they came under a separate bureau at Washington, did not in our opinion, make it necessary for there to be a third Board because you would have two boards working on the same thing. Mr. Strange was there, spoke for his bill, and we compared the bills and it was the unanimous report of the committee to vote his out with a favorable expression. In other words, that it should pass, and it was the unanimous report of the committee that the bill sponsored by the Veterans of Foreign Wars should not pass and our reason was for a duplicate of effort.

Mr. Murphy: Now you notice a bill to—don't you know that the Civil War Veterans and these other various veterans receive—you notice that the bill stated that—

Mr. Fowler: Mr. Murphy, I make this proposition with all these good people as our witnesses: You state that Senator Hamilton introduced a like bill in the Senate. That bill, when it reaches the House will be referred to my Committee and I extend you here tonight an invitation to appear before that Committee to discuss that bill. I have made you my proposition in good faith. We will not discuss that measure any further on the floor tonight.

Ladies and gentlemen, this committee is not up here to citicise the Veterans of Foreign Wars or to praise the American Legion or any other organization. We are here in the interest of seeing that our disabled men get justice and that is what we are up here for tonight, and this committee is authorized by that resolution to summons witnesses to appear

before it and to take their testimony under oath. I cast no reflection on anyone that spoke tonight on asking them for their testimony under oath. Some of their testimony is already under oath, but every one knows that a deposition to be accepted must be sworn to and I don't think that I am casting any reflection on anyone to ask them to swear to a statement that they are willing to make in public. And Mr. Murphy, in due time you will be summoned before the committee. We have a stenographic copy of the proceedings—which you kindly consented to let us have. We will expect you, or rather hope that you will appear before that committee and make the same statements you have made here tonight under oath. I said a while ago that I felt like this committee that had come up here in the interest of justice and at the direction of the government, not the Governor, but the government of our state, had been insulted. I thank the Chairman for giving me this privilege of speaking on this floor, but I still do not think that our committee has been treated as a committee with such admirable purposes as this committee came up here with.

Rev. Head: You spoke a moment ago about when that bill same back from the Senate, would there be a chance of that bill going to the House and being passed if the right pressure is brought to bear?

Mr. Fowler: I beg your pardon, committees don't work under pressure.

Rev. Head: I say facts.

Mr. Fowler: At the same time introduced companion bills, one in the House and one in the Senate. The bill in the House meets its fate. The bill in the Senate is a second. Now, if that bill is reported out of the Senate Committee and is passed in the Senate it is sent to the House where it is received and assigned to the appropriate committee to act upon it. Then when that committee has made its report, it may be favorable or it may be without expression of opinion, or it may be adverse, then and then only, is the bill or the fate of the bill in the hands of the House. It is then up to the author

or the sponsor to put it across. I will admit that the expression that it should pass sometimes helps, but when that bill comes to my committee it is going to get justice and if we feel that we have made a mistake we will be glad to admit it. We are human. We are bound to make mistakes. If, on the other hand, we feel that our decision in the first case was correct, no pressure will make us report that bill out any other way than the way we reported it out the first time. Is that answering your question?

Rev. Head: Yes, sir.

Mr. Murphy: I didn't understand that, Mr. Fowler, will you go—

Mr. Fowler: I haven't the speech prepared and so I couldn't go back and say the same thing and get it right possibly. If there are any members of the audience that wish to ask me any questions I will be glad to have them do so and if I am able to answer them I will do so and if I am unable and anybody here tonight can answer them I will be glad to yield the floor to them for the answering of the questions.

Mr. Murphy: Do you recall appearing before the Committee when Major Gaines of Frankfort—did you get a telegram from the War Mothers saying they favored the Spanish War Veterans and ———— being recognized on that board?

Mr. Fowler: I got a telegram from them that I read before the committee, asking that that bill be not tampered with. Now you infer it is the same committee meeting at the time we passed on this Veterans of Foreign Wars bill.

Mr. Murphy: This Kentucky Disabled Ex-Service Men's Board, why wasn't the War Mothers and Veterans of Foreign Wars allowed a representative on that?

Mr. Fowler: Why didn't you get on the band wagon when the parade started?

Mr. Murphy: Did you get a telegram from the War Mothers that they favored representation?

Mr. Fowler: I got a telegram from the War Mothers stating they wanted the Board the way it was. Later on I got another telegram saying they favored the Veterans of Foreign Wars being on there, but the hearing had been held on that bill and we had made our decision.

Mr. Murphy: You mean you couldn't amend that decision on the floor or any place?

Mr. Fowler: If you wanted that in, get your representative to amend the bill, but don't ask the Committee to recommit themselves.

Mrs. Oldham: The War Mothers were not as a whole represented. It was only individuals that felt that the Legion and Veterans of Foreign Wars and the War Mothers should be represented if possible, but we didn't care anything about the War Mothers being, it was individuals. It was not the War Mothers.

Mr. Fowler: Don't let anything I might say on this floor about the War Mothers—I wouldn't insult them for anything in the world.

Mrs. Oldham: You couldn't. You are too much of a gentleman.

Mr. Fowler: I might say something here on the floor tonight that might be misunderstood.

Mrs. Oldham: The thing was, we just wanted to say the War Mothers as a whole had nothing to do with it. It was just individual, personal matter.

Mr. Murphy: Mrs. Oldham, all telegrams that they got were expressions of individuals?

Mrs. Oldham: I didn't say that. I am speaking personally.

Mr. Murphy: Well, all were expressions of individuals were they not?

Mrs. Oldham: I don't know anything about any but mine.

Mr. Fowler: Let's leave that matter be. Let me tell you something, ladies and gentlemen. I kept those telegrams

in my desk until about, I think, last Thursday and I didn't think then that there would be any further necessity for them. I kept every telegram I received in connection with that. The first telegram we got was signed, I do not remember the name of the lady that signed it, but if I am not mistaken she signed it either as the President of the War Mothers or as Assistant President or something like that, and we considered that she signed it in her official capacity. I think it was the name Campbell, either President or Assistant President, I don't know your offices. It seemed to me they were speaking on behalf of the organization and the day after the Committee met and made its decision we got this other telegram.

Mrs. Hern: I just sent mine as an individual, the telegram I sent. I did not communicate with any of the Executive Board and mine was only a personal signature.

Mr. ————: Has the Kentucky Disabled Ex-Service Men's Board ever refused, failed or neglected to help in a meritorious case?

Mr. Fowler: Not being connected with the board, I can not answer that question, but I would say this: in my knowledge of my good friend, Jim Sorey, over there—he may not acknowledge me as a good one but I do him as mine—I believe that Jim has handled every claim that has come to him to the best of his ability solely upon the merits of that claim. As I said, human beings make mistakes and it is entirely possible that through no intention on his part a mistake may have been made, but those claims have been handled on their merits. This committee is up here tonight to attend this meeting. Any one—and I wish the papers would publish this—any disabled veteran who feels or who knows that his claim has not received proper attention is invited to appear before this committee and the committee will be glad to hear what they have to say. I do not care to stand up here tonight and enter into an argument with any one over the merits of individual claims, but the committee, when meeting as a committee for the pur-

pose of this business, will be glad to have them come before the committee.

Mr. Murphy: What does this committee from the Legislature at Frankfort expect to do in regard to forcing this Kentucky Disabled Bureau to give aid to these disabled men? Is it their object to render assistance to have the Veterans' Bureau give them justice?

Mr. Fowler: The duty of this committee is to see that all disabled men of Kentucky are given justice, and God knows there is no one don't want them to have anything else but justice.

Mr. Murphy: Comrade Hays is there to say something. He is not a member of our organization. I know of his case. Discharged disabled. He waited several years and finally beat his way to Washington and they paid him over $3,000.00. Then they said you are covered now, but he can tell you his case. His father used to be Attorney General of Kentucky.

Mr. Hays: I present this evidence because I believe I am not the only one turned down, refused and neglected by the Kentucky Ex-Service Men's Board now constitutted, and I believe an outside thorough investigation would prove that there are others. It is on behalf of the soldiers of Kentucky which I present this evidence which I am going to put before you in a minute. The Veterans of Foreign Wars and every soldier organization in Kentucky, that I present this evidence, should be represented in this. In other words, you leave them to believe that they were fit to fight but not fit to be recognized by the Kentucky Legislature. The evidence that I am going to produce will prove that the Ex-Service Men's Bureau, not by accident or reasonable excuse, failed to carry my claim through, either Stitz or Storey, when I appeared before them personally and wrote to them and went to Washington and got it myself. I met Stitz here in Lexington, pleaded and begged with him, I met him in Louisville at his office, I wrote to him, and then when they hadn't done me no good in months, possibly a year, I don't remember the exact time, I caught a freight

train and went to Washington and got my money, $3,330.00. Then, I have not finished yet. I believe there are other Kentucky soldiers that have been so treated. And then when they had paid me, when I went to Washington and they paid me on the basis of total and permanent compensation for the period. when they paid me on the basis of total and permanent, roughly speaking between 1920 and 1923, the compensation, but I had a $10,000.00 insurance policy paid up all the time, and they hadn't paid me no insurance, then Mr. Sorrey or Storey, whatever his name is, as now constituted, I have seen him once or more times in Louisville and I have written to him and he has promised to help me and if he has done a darn thing I can't see where he has done anything, and I defy any man to claim that this is not a meritorious case and that money shouldn't be paid. As a legal proposition I could even read to you the proposition on which it is checked and held down as a legal proposition and show it to you that the government office in Washington says he didn't get this at one time and that is the only reason, is why he didn't put his hand on it and we aren't going to put in—and I wish to refer to the case of D. T. Witlaw, a disabled soldier, against the United States, decided by the Supreme Court of the United States, carried up from the United States District Court in ——— Montana, and of course coming to the Supreme Court it went through the District Court of Appeals, just like in Cincinnati. T. D. Witlaw was a laborer overseas, he lost an arm and a leg, he presented the evidence, the conclusive evidence to the government. The government as constituted under the Republican Administration returned him down and refused to pay him. In the meantime he studied law, became a lawyer. It filled the newspapers everywhere except possibly Lexington. He brought it to court and the judge held in favor of him —I forgot to bring that—I can refer you to that decision. He says what this old gray headed man says: that, then the government not satisfied with this one arm, this one legged soldier as constituted now at Washington under the Republican

Administration, fought this case on up, appealed it to the United States District Court of Appeals, about six judges, they ruled against the soldier. The soldier, not satisfied, carried it to the Supreme Court of the United States and the Supreme Court of the United States says between those two periods of time on that contract of insurance T. D. Whitlaw is entitled to $3,356.00 and I think my claim was so constituted. I have evidence against the Veterans' Bureau that goes further lately; some local officers in Lexington, some of them, I don't say all of them, try to help the soldiers, but they have certain restrictions and regulations that they won't lay before the public. I went before some doctors, here recently and they prescribed some medicine—emergency case. Nob. Miller came down and "stomped" on those doctors and threatened to do something with them. And he give me some of that medicine himself while he was in Lexington. While I was in Washington in 1924 the present Director of the Veterans of Foreign Wars—I saw soldiers arrested, imprisoned illegally and without cause or excuse as I charge here before this public meeting of—between the department and — of conspiracy between the — and I challenge them to summons me to Washington to prove that statement. I saw soldiers threatened and intimidated inside that Veterans' Bureau. I have been there twice. I have studied it since May, 1925, in army service. As soon as I hit the Veterans' Bureau, says has been a little careful ever since — slapped Hines up in his office—he has got a bodyguard up there. I met his bodyguard. He showed me his credentials. He opened a pocket book, "J. J. Burns" of the Burns Detective Agency, a big broad-shouldered man, and when a soldier gets to insisting on his claim they call him a pest, a nuisance; they kick him out, won't allow him to go from office to office under Director Hines and ask that his case be routed and his papers out, but under Director Forbes, you can call him a grafter or not, but he took some and left some, he allowed these soldiers to direct—to route their own claims. When I was there you

could go to the claim of Hays, I want to go to see the Top Director or anybody and you got to go and see them, and poor old Charlie Jones, they told me that that man worked till two o'clock and four o'clock in daylight, night after night, burning out his life for American soldiers, the grandest Director of the Veterans' Bureau ever was or will be, and Forbes although he stole some, he tried to leave some for the boys. Charles Milligan, I wrote him and he wrote me in great detail and tried to help me and everything. I have got some evidence—

Mr. Murphy: How long since you drawed any compensation?

Mr. Hays: It has been so long I have forgot. I am not so much myself. I would rather tell some things I have seen some of these other soldiers and for instance, lot of people don't know in a government hospital—I don't see how any Veterans' Bureau like 58 Arston Street, St. Louis, they have locked wards and they lock men in illegally and without excuse.

(This was denied by someone in the audience.)

Mr. Hays: Further, more than that, in those Veterans' Hospitals the men that are in there, supposed to have equal civil rights with the rest of us who fought during this war to maintain those, when they want to go to town, like schoolboys they have to get a pass. They have to get a pass to stay out and if they overstay that pass or go out without a pass under those surrender right, while in that hospital they are liable to be locked up and made prisoners in those cells with those already there. And there are plenty more things that I tried for the improvement of the public policy to pick up. I saw a man drafted in the army, brought in on a bed from Chicago, his last name was Piskasri—I stand to prove that. I saw a man, Brown, in the Medical Corp of the Army. He was all the time melancholy, blue, worrying about something. His brother came to take him home and they refused him permission. A few days after, Brown took one of the cords that

they had in the hospital and tied himself around the door and hung himself and his brother never got to take him home alive.

One of the Committee: On what was your claim based, may I ask?

Mr. Hays: I based my claim on evidence recognized by the Veterans' Bureau.

One of the Committee: What records were—

Mr. Hays: An honorable discharge.

Mr. Murphy: You don't draw any now, do you?

Mr. Hays: No, sir. Of course I don't know whether my claim was meritorious or not, whether you stand in favor of getting it or not.

Mr. Murphy: Here is the brother of the man who had the check for $558.06 stolen from him. This is his brother who is also a disabled veteran. He can tell you about his case. He is not a member of our organization. We only provide a chance for this comrade, disabled soldier, to be given a respectful hearing in public. Tell how much you started out with and where you served and he was overseas.

Mr. Ivey: In the first place when I began compensation it was about two years before I heard from it and started at $9.00 a week and went on until I got in vocational training and went in that and stayed eight months and couldn't get what I wanted on account of disability, said I wasn't able to take what I wanted. I have never taken my claim up only with the Bureau at Lexington.

Mr. Murphy: What was the most you ever drew from it?

Mr. Ivey: While I was in training I drew $125.00.

Mr. Murphy: What are you drawing now?

Mr. Ivey: I have been drawing up until this last month $22.50 a month and now they have cut it to $13.00 a month.

Mr. Murphy: Tell about this veteran, this fellow shot through the lung and they cut him from $75.00 to ..... from $145.00 to $75.00 that was working for you.

Mr. Ivey: He wasn't working for me.

Mr. Murphy: Tell them about it.

Mr. Ivey: He lived in Morgan Heights. Clark is his last name and I don't really know his first name.

Mr. Murphy: Was he shot through the lung?

Mr. Ivey: So I understand.

Mr. Murphy: What was he drawing when he worked for you?

Mr. Ivey: $158.00 a month.

Mr. Murphy: What did they cut him to?

Mr. Ivey: $13.00.

Mr. Murphy: What condition is he in now?

Mr. Ivey: I taken him home to-night. He wasn't able to stay her until after the meeting.

Mr. Murphy: Was he able to walk down or come in a taxi?

Mr. Ivey: In a taxi.

Mr. Murphy: How long since they cut him down to $13.00 a month?

Mr. Ivey: I don't—

Mr. Murphy: How long did he work for you?

Mr. Ivey: One day is all I know of.

Mr. Murphy: He was here tonight?

Mr. Ivey: Yes, sir.

One of the Committee: I would like to know if it is the intention of this organization to charge that loss of these checks was due to the negligence of anybody—some member of the Bureau?

Mr. Murphy: The man in the Bureau—and then his brother—the man was convicted in Federal Court, that was some time ago.

One of the Committee: He was properly punished by the law for his violation?

Mr. Murphy: Two years. We have letters here saying there was six cases in this District.

One of the Committee: Were these checks stolen out of the Lexington Bureau?

Mr. Murphy: Didn't I read the letter to you here. I have the letter here—stolen from the Bureau. It was not in either paper of Lexington but on the front page of the Courier-Journal, after they investigated the Bureau after Forbest went out, but he got $25,000.00. We offered in Kentucky to give—we wanted to have the authority—we knew about these cases—to give him all this data on this and other matters and he informed us, General ——, that he didn't want any assistance so we let it go.

One of the Committee: Were the people who were the recipients of those checks, did they lose anything?

Mr. Murphy: Well, we took the matter up with the United States Senator and it was twelve months, this boy was out of his money after we furnished bond for duplicate check, for over a year, but that is why he— Is it the purpose of this committee that they are going to take these cases up direct with the Veterans' Bureau at Washington or not?

One of the Committee: This committee as I understand it,—I am not Chairman—but this committee was asked to come here and investigate the facts and report to the Legislature and as I understand it that is the limit of our power.

Mr. Murphy: I see nothing—unless you could take these cases up as presented to you, and take it up with the Veterans' Bureau at Washington.

One of the Committee: We have no authority, but if this committee can be satisfied that these abuses are in existence they will report in accordance with that effect and then it will be in the discretion of the Legislature.

Mr. Hays: A little evidence by a Senator speaking on that line I want to present it about stolen records. Congressional Record, 68 Congress, first Session, U. S. Veterans' Bureau, speech of—

One of the Committee: I want to suggest that the State Legislature has no authority over that.

Mr. Murphy: I knew that. It was our experience since 1919—I have travelled in 44 states, I paid my way to Wash-

ington on these matters. I will be frank with you, there is nothing in the world the Legislature can do but pass a resolution that they favor that the Veterans' Bureau at Washington make a complete and full and immediate investigation of all these cases in Kentucky. Now these comrades and Veterans of Foreign Wars are not going to any—to that disabled board—I wouldn't advise that. I don't believe that board would get in the position of fighting the Bureau. While these men you heard here are men of—who have grievances and—

One of the Committee: I think if the Legislature, basing their opinion on our report, would recommend some change in the Board of Kentucky it would be done. The State has a Board to assist them—

Mr. Murphy: These comrades' cases will have to be handled like Comrade Barlow's. We took that direct to Washington and they ordered an investigation in regard to those statements whether they are true or false, you see, and the only thing could be done is that these cases and the facts, I know the Veterans of Foreign Wars are not going through that Board, neither would you if you was a Democrat want to place all your business in a Republican. Not to say they are not honest, understand. I like Mr. Sorrey and all like that, but these cases must be fought out with Veterans' Foreign Bureau at Washington but not the State Board of Kentucky Ex-Service Disabled Board.

One of the Committee: That is the duty—

Mr. Murphy: Why under Heaven—the Veterans of Foreign Wars never ask that the people act on a state bonus—it cost me $500.00 four years ago and it passed the House 64 to 17, died in the hands of the Rules Committee. I know the men who defeated it, but we don't think that $3,600.00 and expenses is reasonable, we thought half of that and give a disabled man $1,800.00 a year and then have representatives of the different organizations on it. Why should you say in that that the State Commander of the American Legion—I don't

want any job—but I think a man from the Veterans of Foreign Wars should have a job on that, one appointed by the organization. The Board is constituted—the state—you just as well said the Catholic Church or Baptist Church should have been head of it, then they appointed the third. What we contend ought to be, the War Mothers should be on there, Spanish American Veterans and Veterans of Foreign Wars. We all pay taxes.

One of the Committee: Are those bills before the Legislature now?

Mr. Murphy: Done passed both Houses. We appeared to have them before the Military Committee—these men you see here like Willie Sandlin, have not the money and not employee of the—two of them went to Frankfort and pleaded with the Military Committee and he will bear me out in that, he knows I stated this, that that should be, if they are going to appropriate $36,000.00 for a disabled board, that the different organizations should have a representative on there. I also stated $1,800.00 to a disabled man should be the Secretary, but it went over and of course that was not done. There has been $50,000.00 appropriated in the last four years. We made no kick. The Veterans of Foreign Wars will never feel right. We can get by without it. We have done all this without one cent from the state of Kentucky. Not a paid officer in the State of Kentucky in our organization. We have had to do this and the Legislature passed a bill in which the Veterans of Foreign Wars were ignored. Now can you expect the Veterans of Foreign Wars to have a kindly feeling for them? When there should have been a bill worked out where each organization would have equal representation?

Mr. Murphy: Now then — Captain Strange in the House wasn't—couldn't appear before the Military Committee, and Attorney General offered to draw a substitute bill which would have been right, he looked over the field and found out, said there was no chance in the world to do it, then he said only thing can do is to have two different bills and we don't

want anything but a salary probably $1,500.00 or $1,800.00 of our organization, though we drew two bills. He introduced one for the Spanish Veterans which has gone to the House. We drew one, which he said covered other territory. That is only $3,000.00.

Mr. Fowler: You asked a question there that I want to answer. Why the Veterans of Foreign Wars were not on the Board.

Mr. Murphy: I meant this—War Mothers, Spanish Veterans, Veterans of Foreign Wars—

Mr. Fowler: Gentlemen, they came down there, that principally that the Veterans of Foreign Wars be included upon the membership of this Board. The statement was made there and not successfully contradicted that if the Veterans of Foreign Wars were included, that all the rest of the various veterans' organizations would be entitled to be on those Boards too and there are something like twenty-five different ex-service men's organizations, some large and some small, and I leave it with any of you if that old Aesop's fable isn't pretty true that too many cooks spoil the broth.

Mr. Murphy: In answer to that, here is what I stated, which is true. I said only three national organizations up there represented on the Board in Washington on all matters, everything represented, representative from American Legion, Disabled American Veterans and Veterans of Foreign Wars, only three national organizations; that is, that are recognized by Congress and Veterans of Foreign Wars are and that is the statement I made in—of course, there are a lot of others.

Mr. Fowler: Do you say that the Military Order of the World War is not an organization, a national organization?

Mr. Murphy: Not like the others.

Mr. Fowler: But isn't it a national organization?

Mr. Murphy: Yes, that is true, but not like the others. Congress up at Washington knows the business there and in a matter like disabled or anything like that—only three or-

ganizations represented. That is all right if the Committee from the Legislature sees fit—we have men like Woodfill, Sandlin, we will do our best, we will continue on—we have retired members and—

Mr. Hays: I had a little quiet talk with the gentleman who took exceptions and I want to ask him to explain whatever he has to say about it.

Mr. ———: He said he was in the hospital and said there were locked wards in the 58 Arston Street, St. Louis. There were no locked wards in '22, never was.

Mr. Murphy: Comrade Wood, the Department Quarter Master, wants to say something.

Mr. Wood: Comrade Commander, ladies and gentlemen, I don't want to take up much time but I want to say so there will be no misunderstanding tonight, the gentleman made the remark at the opening of this meeting about being a free country. We recent, free speech. It is true enough, so he says. I want to ask him, now get me close, ladies and gentlemen, how many in this audience ever voted, went into the booth and cast their votes for soldiers' adjusted compensation nationally? One more I would like to ask: How many in this audience ever went into a booth in a voting precinct and cast a ballot for or against an adjusted compensation in the state of Kentucky?

Mr. Murphy: Never will. Bill reported out with expression of opinion, I understand, on that.

Mr. Wood: As the gentleman said, when the meeting started, we surely must have the right to vote, whether we want to give the boys adjusted compensation or not and it ought to be put on the ballot distinctly so every person old enough to vote can understand whether he is. Now about mistakes. When we was in the Army wearing the blues and the khaki they never allowed us to say that was my mistake. Your mistake might take you 15 years behind the bars or if you went out and got a little bit too much drinking and didn't get back when your time was up it might have taken you up before a

firing squad in the World War. No mistake went there. The Veterans' Bureau, when it was organized, came out and said it would look after the veterans of all wars, no exceptions, and now they have sifted it down to the World War they claim. I would like to know why should have a Veterans' Bureau—to single down to us alone—why can't that look after all the veterans just as well as the Veterans of the World War? No other statement of veterans, all fought for the same cause that our flag might stand up and lots of them might have a good job today. There is one thing more I would like to say, that in the wars past they have always given pensions, always tried to look after their men. The cry might come back to the United States after the armistice was signed, "take care of the disabled and let the well take care of themselves." That was what the disabled had to do too. It has proven here tonight that the disabled took care of themselves. It is time, ladies and gentlemen, if we want our men to take care of our country that we take care of them.

Mr. Milam: I move that we adjourn.

Mr. Murphy: Any other disabled veteran that we overlooked like Comrade Ivey, want to say anything now?

Mr. Murphy: All stand and we will adjourn.

"EXHIBIT B"

MEETING HELD IN FAYETTE COUNTY COURT HOUSE IN LEXINGTON, KENTUCKY, MARCH 8TH, 1926.

Mr. Fowler: Ladies, and gentlemen, I read you a resolution passed in the House of the General Assembly on February 16th, 1926, and will explain briefly to you the purpose of this meeting. (Resolution read.)

This resolution was introduced not for the purpose of taking sides against any one but to see that if an injustice had been done to any ex-service man to get to the bottom of the facts. In compliance with that resolution the Committee at-

tended that meeting and had a stenographic record made of the entire meeting.

Last Friday summonses were sent to the various people who had testified that night. Now the purpose of this meeting tonight is to have those folks to certify as to the correctness of the statements they made at that meeting. We do not intend and we don't want to hurt anyone's feelings and subject them to indignities and I hope no one will consider the Committee is doing that when they ask that you make oath to these statements. If a man was bringing charges against you and was going to do it in Court, I imagine you would prefer that he made his charges under oath so he could be held.

General Hays, I believe you have a statement you wish to file with the Committee.

General Hays: Mr. Chairman and members of the Committee, I have a statement here from several of these parties. I read so badly and see so badly I asked Mr. Thomason to come over with me to read this and that is the response we want to make for those parties.

Mr. Thomason read as follows:

Lexington, Kentucky, March 8th, 1926.

Mr. Chairman and Gentlemen of the Committee:

At the request of R. E. Lee Murphy, John Jackson, Clarence Stewart, who have been summoned to appear before this Honorable Committee to testify concerning matters under the exclusive control and jurisdiction of the Veterans' Bureau of the Federal Government; and whereas, this said department of the Federal Government has ordered an investigation of the charges made by a number of wounded and disabled veterans, one being blind, and Mrs. Oliver K. Barlow, President of the Ladies' Auxiliary, Veterans of Foreign Wars of Lexington, Kentucky, against the Veterans' Bureau referred to in the resolution of the Legislature passed on or about the

15th day of February, 1926; and whereas, the State of Kentucky, nor the Legislature thereof, nor this Honorable Committee, has any jurisdiction, power or authority to investigate said charges or facts; and whereas, no facts shown by this ex parte proceeding would be competent evidence against said Veterans' Bureau. Said parties, with very great respect for the Legislature of the State, and this Honorable Committee, but believing that this matter is not a proper subject of inquiry by the State Legislature, nor of this Honorable Committee, nor one over which it has any jurisdiction or power, and believing that they are not required, under the Constitution of the United States nor of this state, to testify as to said charges before this committee pending the investigation by the Federal Government, they, with the utmost respect, decline to do so.

For the reasons set out they ask this Honorable Committee to report these facts to the House of Representatives, with the request that its resolution be set aside, and the summons thereon for said parties be quashed, and such further action as said House of Representatives may deem proper.

W. B. HAYS, Attorney.

General Hays: That is all I care to present to the Committee.

Mr. Fowler: General Hays, did you prepare this?

General Hays: I prepared it at the request of these parties.

Mr. Fowler: Mr. Murphy asked you to prepare this statement?

General Hays: I prepared that statement at the request of their attorney for those parties that are named there.

Mr. Fowler: We accept the filing of it with the Committee.

General Hays: Yes, sir, I just desire to file it with your committee.

Mr. Fowler called the names of some of those who testified on February 17th but none of them answered.

Mr. Thomason: I am not representing any of those but I am inclined to think that some of those names you have read have never been summoned.

Mr. Fowler: Only two have not been summoned. Mrs. Barlow, will you come forward, please ma'am? Mrs. Barlow, at the meeting held here on February 17th you made some statements in replying to questions that Mr. Murphy asked you, did you not?

Mrs. Barlow: I did.

Mr. Fowler: I wish you would tell the Committee just what you told me before the meeting took up in regard to those questions and answers.

Mrs. Barlow: I was only here to answer questions to the best of my knowledge and that I did and without the questioning I would not speak at all.

Mr. Fowler: That is, if you had not been questioned by Mr. Murphy you would not have spoken at all?

Mrs. Barlow: No, sir.

Mr. Fowler: In other words, your statement that night, while you answered the questions put to you, it was not your desire to testify at all?

Mrs. Barlow: The only thing I was here for was to have the statement made by Dr. Poole and Dr. Godfrey rectified.

Mr. Fowler: Have you any objection to making oath about those answers?

Mrs. Barlow: No, sir.

Mr. Fowler: Mr. Murphy asked you "how many times did he (meaning your husband) go to Louisville," and your answer was "he went to Louisville the 7th of October." Had he been to Louisville prior to that time, prior to October 7th this past October?

Mrs. Barlow: He hasn't been but one trip that I know of.

Mr. Fowler: What kind of treatment was he accorded when he was there in October? That is, by the Bureau down there?

Mrs. Barlow: Well, I can't say; he took treatments, I think, for the goiter—at least he had his neck bandaged when he come bck, and was given one or two hypodermics, but I think that was given here at Lexington Bureau. They sent him back here for his treatment.

Mr. Fowler: Do you consider that the Veterans' Bureau have treated his case with reasonable promptness?

Mrs. Barlow: So far as I know.

Mr. Fowler: He was not denied treatment by them?

Mrs. Barlow: Not that I know of.

Mr. Fowler: Has anyone ever advised Mr. Barlow, to your knowledge, not to go before the Veterans' Bureau?

Mrs. Barlow: No, sir.

Mr. Fowler: Is there any other explanation you want to make?

Mrs. Barlow: Not that I know of. All I ask you to do is rectify those statement made.

Mr. Fowler: We are not up here to take sides against anyone but if there has been an injustice done we want to correct it, whether to the ex-service men or Veterans' Bureau, whichever way it is we want to correct it and make it right and if there has been an injustice done you in that statement we will certainly do our best—

Mrs. Barlow: Well, I think there was. It would have been needless for me to have said there wasn't anything the matter with him as they stated I said. I didn't say it whatsoever.

Mr. Fowler: Mr. Barlow will you come forward, please? This matter came up while you were in the hospital at Cincinnati and we would like to have you tell us the facts of your case so we may file them with the Committee's record. Have you any objections to doing that?

Mr. Barlow: No, I can't say that I have.

Mr. Fowler: When did you first take your case up with the Veterans' Bureau?

Mr. Barlow: 1921.

Mr. Fowler: And what action was made on it at that time?

Mr. Barlow: I was given 10%.

Mr. Fowler: And how long did that carry?

Mr. Barlow: Two years?

Mr. Fowler: That brought it to 1923?

Mr. Barlow: Yes, sir.

Mr. Fowler What reason was given at that time for its being dropped?

Mr. Barlow: Disability was less than ten per cent.

Mr. Fowler: At that time they carried no one whose disability was less than 10%?

Mr. Barlow: No, sir. That is right.

Mr. Fowler: When did you again take it up with the Bureau? First, was that with the Lexington Bureau?

Mr. Barlow: Lexington, yes, sir.

Mr. Fowler: When did you next take it up and with which bureau?

Mr. Barlow: 1925, I believe here in Lexington.

Mr. Fowler: Do you remember the month?

Mr. Barlow: It seems to me it was May.

Mr. Fowler: What action was taken on your claim?

Mr. Barlow: At that time there wasn't any taken. I went to the office and requested a re-examination any they informed me that I would have to get an affidavit from a couple of doctors to reopen the claim and I didn't do it. I thought it was a little too much trouble to go to and didn't do it.

Mr. Fowler: At that time it was through your not caring to push the matter that the case wasn't given attention then?

Mr. Barlow: Yes, that was it.

Mr. Fowler: When next did you take it up with the Bureau?

Mr. Barlow: A short time after that, I think about June. Mr. Murphy took up the case for me.

Mr. Fowler: With what office?

Mr. Barlow: He took it up with Mr. Robsion, I think thru the Louisville—my record had been transferred to Louisville.

Mr. Fowler: Mr. Robsion did or Mr. Murphy?

Mr. Barlow: Mr. Robsion did for Mr. Murphy.

Mr. Fowler: After that when was the next that you heard from the Veterans' Bureau?

Mr. Barlow: In August, 1925.

Mr. Fowler: And was that from Louisville?

Mr. Barlow: Lexington Bureau.

Mr. Fowler: What happened?

Mr. Barlow: I was awarded, I think, a 25% disability then, my record was forwarded to the Louisville office and approved.

Mr. Fowler: After this record was forwarded to Louisville how long before you received any further notice from the Veterans' Bureau?

Mr. Barlow: I believe it was in October I was ordered there for examination.

Mr. Fowler: But in the meantime you were drawing this 25% disability?

Mr. Barlow: No, sir, it had to be approved there before I could.

Mr. Fowler: It had not been approved there?

Mr. Barlow: No, sir, just this sub-office here.

Mr. Fowler: What reason was there that it had not been approved that you know of?

Mr. Barlow: I don't know—I don't think they have the power to approve it without the sanction of the Louisville office.

Mr. Fowler: Well, why not at Louisville?

Mr. Barlow: They wanted an examination.

Mr. Fowler: They wouldn't approve it until they made an examintaion?

Mr. Barlow: No, sir.

Mr. Fowler: October was the first time you could get down there for an examination, was it, or was that the first time they called you?

Mr. Barlow: The first time they called me.

Mr. Fowler: What happened—I don't mean what examination did they give you, but what was the result?

Mr. Barlow: They didn't agree with the Lexington office, didn't find any disability.

Mr. Fowler: Then what did you do?

Mr. Barlow: I requested it to be taken up—

Mr. Fowler: The Louisville office?

Mr. Barlow: Yes, sir.

Mr. Fowler: What answer did they give you?

Mr. Barlow: They decided the only way to handle it was to send me to a diagnostic center.

Mr. Fowler: That was in October?

Mr. Barlow: Yes, sir.

Mr. Fowler: Did they want to send you at that time to a diagnostic center?

Mr. Barlow: Not at that particular time. It was some while after that, after they disproved the 25% in Louisville, that I had it taken up again and the manager at Louisville, Mr. Roark, after he reviewed the case at the request of Mr. Robsion, said in his mind he believed it was the best way to give satisfaction to me and to both offices to let a diagnostic center handle the case.

Mr. Fowler: This was along then, possibly in November?

Mr. Barlow: I think it was later than that, about December.

Mr. Fowler: Did you go to the diagnostic center?

Mr. Barlow: No, sir, not then. I was ordered there I believe on the 14th day of December and I could't go.

Mr. Fowler: It was inconvenient to go at that time?

Mr. Barlow: Yes, sir.

Mr. Fowler: What did they tell you then?

Mr. Barlow: I wrote and requested them to put it off until after the first of the year, until about the first of February.

Mr. Fowler: What kind of reply did you get?

Mr. Barlow: They replied that the request had been made and would reserve a bed for me the first of February.

Mr. Fowler: Did you go to the diagnostic center then?

Mr. Barlow: Yes, sir, 4th.

Mr. Fowler: What kind of treatment was accorded you there?

Mr. Barlow: Well —

Mr. Fowler: Were you treated all right?

Mr. Barlow: Absolutely.

Mr. Fowler: The treatment was satisfactory?

Mr. Barlow: Yes, sir.

Mr. Fowler: How long were you there?

Mr. Barlow: Fourteen days.

Mr. Fowler: At the end of the fourteen days you returned home?

Mr. Barlow: Yes, sir.

Mr. Fowler: What was the result of their observation at this center? Did they find any disability?

Mr. Barlow: Gave me 59%.

Mr. Fowler: 59%?

Mr. Barlow: Yes, sir.

Mr. Fowler: That will have to be approved by the Louisville office now?

Mr. Barlow: It has been approved by them.

Mr. Fowler: Has been approved?

Mr. Barlow: Yes, sir.

Mr. Fowler: It that retroactive or starts in from now?

Mr. Barlow: From the 16th of February.

Mr. Fowler: Do you get any back pay?

Mr. Barlow: I get 10% back pay from the first of November, 1923, until the 18th of February, 1926.

Mr. Fowler: And from that time you draw 59%?

Mr. Barlow: $52.00 a month.

Mr. Fowler: Do you consider that to be a fair award?

Mr. Barlow: Yes, sir, I do.

Mr. Fowler: Well, outside of getting you in touch with Mr. Robsion, Mr. Murphy had nothing further to do with the case?

Mr. Barlow: No, not any more than those requests, after he took the case he handled it pretty much altogether, that is, the request for the examination and request for the findings.

Mr. Fowler: Those requests were made at your request?

Mr. Barlow: Yes, sir, oh yes.

Mr. Fowler: Do you consider that under the circumstances, you being unable to appear as promptly as they wanted you to, that your claim was given reasonably prompt consideration?

Mr. Barlow: I think it was, yes, sir, considering the time it takes to make the transfer of a case and reports of a case. It takes about six weeks to get the report of an examination through the Board, all the way through.

Dr. Berry: Do you feel that for perhaps mistakes in diagnosis in the beginning, the Board acted with due diligence in your case?

Mr. Barlow: I think they did.

Dr. Berry: You are satisfied, then are you?

Mr. Barlow: I am satisfied, yes, sir.

Mr. Fowler: Is there any one here who has anything they wish to say?

Mr. Votaw came up.

Mr. Fowler: Mr. Votaw, you were unable to be present the night of February 17th, have you any statement you would like to make before the committee concerning either your own case or your knowledge of any of these cases that were brought before that meeting?

Mr. Votaw: None, only some of the criticisms that have been talked about the Veterans' Bureau. I have been through their place, was in the service several years and I think as

far as I have been down there, have been there several trips, I never saw anybody mistreated.

Mr. Fowler: Do you think their claims have been handled with reasonable dispatch?

Mr. Votaw: Absolutely. Lot of them don't connect up right away and lots of them got disgusted and talked around and all that stuff. I have been there several trips and all I have seen they have been handled very nicely.

Mr. Fowler: In your opinion was the failing to function on the claims the fault of the Veterans' Bureau or the fault of the individual that they failed to cooperate with the Bureau?

Mr. Votaw: More the individual the way I saw.

Mr. Fowler: They either didn't have the time or inclination to appear?

Mr. Votaw: That is the way it appears to me. They have treated me very nicely. They put me up at the Tyler Hotel when I was there and give me special meals to eat, I was on a diet at the time. The first time I went up against them they failed to make a correct diagnosis but that wasn't their fault. They wasn't the only ones; I had some of the best doctors in the country fail on the same thing. Up to the time I had to be operated on, but when I was operated on they found that I had an ulcer and had had for eight years and I was treated very nicely by them.

Mr. Fowler: Were you granted any disability?

Mr. Votaw: Yes, 20%.

Mr. Fowler: You are Vice Commander, I believe, of the Hugh McKee Post of the Veterans of Foreign Wars?

Mr. Votaw: Yes, I am.

Mr. Fowler: That is the contact with the Veterans' Bureau has been established through the Kentucky Disabled Ex-Service Men's Bureau?

Mr. Votaw: That is my understanding.

Mr. Fowler: Then to the best of your knowledge these cases have received reasonably prompt action?

Mr. Votaw: So far as I know, they have, yes.

Mr. Fowler: From the experience you have had with the Bureau down there and considering the number of cases that they are called on to handle, it is quite possible that mistakes are made?

Mr. Votaw: Absolutely, yes, sir.

Mr. Fowler: And it is not so much the fault of any defect in the Bureau as it is the human frailty of being liable to make mistakes, is it?

Mr. Votaw: No, sir.

Dr. Berry: We can't control the action of the Bureau, but we can control the performances of the Kentucky organization—I have forgotten what it is called—that is supported by the money of the people of Kentucky and we want to know whether they are doing their duty or not. There is an effort made to discredit somebody and if that is true we want to know it. If it isn't true the people who represent the state of Kentucky are entitled to know it.

Mr. Votaw: I have got reasonable action when I was there. If they tell you to come back at two and you come back at three it is not their fault. If you are ordered to be there at the time you have to be there. And lots of them just don't care is the way I have found it.

Mr. Fowler: Now, there were several ex-service men testified here that night on whom, all except two, summons was served to be here tonight and they have failed to come in. If there is anyone in the audience, ex-service man, that wishes to testify as to treatment that they have received or failed to receive, that is, at the hands of the Veterans' Bureau or the Kentucky Disabled Ex-Service Men's Board, we would like to have you come forward and make your statement.

Mr. Seimonious came forward.

Mr. Fowler: Are you a resident of Lexington?

Mr. Seimonious: Yes, sir, Lexington.

Mr. Fowler: Instead of asking you questions we will let you tell your story.

Mr. Seimonious: Well, I came back here from California in August of last year, 1925, at the time I was drawing $25.00 a month and I got a surgical certificate of disability from the service, active tuberculosis in both lungs, when I was discharged. I got my compensation in 1921 in the hospital of San Diego, California, active tuberculosis. I came back here in July, 1921. I was placed in vocational training without any doctor's examination or anything else. Just picked me up and put me in training and in August, the latter part of August, I broke down and called the Veterans' Bureau for treatment.

Mr. Fowler: At Louisville or Lexington?

Mr. Seimonious: Here. They told me that the doctor was out of town. It was on Friday, and he wouldn't be back until Monday and I asked them if I couldn't get some relief from a doctor here and they said no, I would have to wait until the doctor come back here to the Veterans' Bureau and told me to go home and call back Mondy morning. Monday morning I wasn't able to get out of bed and I didn't get down there until about three o'clock in the afternoon Monday and when I did they had discontinued my vocational training. I put in then to go to the hospital and it took me until January, 1922, to get to the hospital.

Mr. Fowler: What month was this?

Mr. Seimonious: On September 2, 1921, and in January, 1922, I finally got a letter from Louisville sending me to the Cumberland Sanitarium at Somerset. I went there and they found active tuberculosis. They allowed me $50.00 per month from the time I went out of training up to the time I went into the hospital and $100.00 what time I was in the hospital. I was sent from the Cumberland Sanitarium—it was so—well, they didn't put out no food, practically nothing to eat there, sent out to us same as in the mess hall when we were in the service, lined up and took what we could get and my teeth was in bad shape, I had just had the doctor to pull out my teeth and put in some new plates and they was in no shape that I could chew up their tough meats and I asked the doctor there

if I couldn't have soft cakes or something I could eat. I couldn't eat the other because I couldn't use my teeth, they was sore, my mouth was still sore and they told me if I wanted anything like that to go home, and I did. I came back home and shortly after I came back I got a letter from the Veterans' Bureau at Louisville to report to the Hazelwood Sanitarium at Louisville.

Mr. Fowler: You went there in January and about when was it they told you if you didn't like it to come home?

Mr. Seimonious: In February, about the 7th.

Mr. Fowler: First part of February?

Mr. Seimonious: Yes, sir.

Mr. Fowler: How long after you were home before you got the letter from Louisville?

Mr. Seimonious: About two weeks. I reported to the Hazelwood Sanitarium at Louisville and they put me in there for observation. I stayed there fifteen days and the fifteen days I stayed there I was marked active tuberculosis. I was discharged out of the hospital after fifteen days of observation and was cut to $75.00 a month and was marked active tuberculosis, but they cut me to $75.00 a month. I came back here and I and my wife moved down here to a little town called Troy and stayed down there a while and kept going down hill and going down hill so, I had no appetite, couldn't sleep or rest and was coughing all the time, and my wife's people lived in California. I said I had better get out of here and went back to California. I got there, to San Diego. They sent me to the Camp ———— Hospital, public health hospital, and when I got there I was put down active tuberculosis and put on $100.00 basis. I was in the hospital for four months, that was in 1923, I was in the hospital from March until August and I was discharged an arrested case of tuberculosis. In September I was placed back in vocationl training again and was sent to Stockton to the Agricultural School and I was put on half time when I got there and was kept on half time up until April 15th, of 1924. Then they taken me out of the train-

ing and put me on home treatment. I stayed on home treatment fifteen days and then they discontinued me from training, unable to function. So I put in for my compensation again and that taken me from then, from May 1, to July 20th, before I got any letter saying anything about it at all and I got back on compensation of $75.00 a month. Of course I had a wife and four children, I don't know just what per cent was given. Then about two weeks after that along comes a letter cutting me down to $25.00 a month.

Mr. Fowler: What reason did they give?

Mr. Seimonious: None at all. Hadn't give me any examination, just sent a letter that I was reduced to $25.00 a month. I stayed on $25.00 a month up to last October, here in this Veterans' Bureau, here I was called for examination. I went up there and was hardly able to be on my feet and I told the doctor that I would like very much to go to the hospital; that I was coughing all the time and wasn't resting and had no appetite. They examined me and went before the Board that afternoon and was cut to $10.50 a month.

Mr. Fowler: By the Lexington Board?

Mr. Seimonious: By the Lexington Board, and have been kept at that since then. My checks have been coming, well I get one check probably on the 2nd and the next check probably on the 15th and just whenever they feel like sending them to me. This is the 8th day of the month and I haven't received a check this month.

Mr. Fowler: Since you came from California have you taken up your claim with the Louisville office?

Mr. Seimonious: I wrote letters to them but have received no answer whatever.

Dr. Berry: Your dealings have been entirely with the United States Board or partly with the Kentucky Board?

Mr. Seimonious: Partly with the Kentucky Board and partly with the California.

Dr. Berry: Have you ever had any dealings with this Kentucky Ex-Service Men's Board?

Mr. Seimonious: No, sir.

Dr. Berry: The State of Kentucky puts a certain amount of money to assist you men in your controversies with the United States Board and of course we have no control over the United States Board. All the State Board can do is to assist you. Have you ever complained to that Board?

Mr. Seimonious: No, sir, I have not.

Dr. Berry: Whatever fault there is is in the United States Board?

Mr. Seimonious: I have never gone that far. I have pushed it in no way, shape or form. I have practically let them do as they pleased.

Mr. Fowler: You have accepted the cuts without—

Mr. Seimonious: I have wrote letters and asked for a rehearing and re-examination.

Dr. Berry: Always to the United States Veterans' Bureau and never to the Kentucky Veterans' Association?

Mr. Seimonious: No, to the Louisville, the original office.

Dr. Berry: It is not the United States organization, is what we are trying to find?

Mr. Seimonious: Oh, yes, yes, sir.

Mr. Fowler: How long has it been since your last letter to the Bureau?

Mr. Seimonious: I sent them a letter the 3rd of this month.

Mr. Fowler: The one previous to that?

Mr. Seimonious: I believe it was dated on the 5th, the 7th day of January.

Mr. Fowler: That was to the Veterans' Bureau?

Mr. Seimonious: At Louisville, yes.

Mr. Fowler: And you have received no answer?

Mr. Seimonious: No, sir.

Dr. Berry: We can't make the United States Bureau function, but if the Bureau supported by the people of Kentucky is not functioning we can do something.

Mr. Fowler: Here is the address of the Kentucky Disabled Ex-Service Men's Bureau, Labor Temple, Louisville, Kentucky. Address your letter, attention of Mr. James Sory and in your letter state you appeared before this Committee, and I put my name down here at the corner, and say I referred you to him and I believe you will get action. Your failure then to get any further action on your claim has been because you haven't pushed it as hard as you might have?

Mr. Seimonious: That is the way I feel about it, yes, sir.

Mr. Fowler: You feel that the Board has done their part and possibly you haven't done yours, is that it?

Mr. Seimonious: Yes, sir, with the exception in the instances of placing me in training here without any examination or anything of the kind and going to the hospital and finding active tuberculosis and only allowing me $50.00 per month for the period of time I was out of training until I was in the hospital, about six months there that I couldn't get into the hospital, couldn't get no action, and when I did, as soon as I got to the hospital I was pronounced active tuberculosis and only allowed me $50.00 per month from the time I was dropped from training until I went to the hospital.

Dr. Berry: That is exactly what this Kentucky Board is for, is to get prompt action. I am sorry you didn't apply to the Kentucky Board and give them a chance to be of some use to you.

Mr. Fowler: If they get you compensation at any future time and it should be cut or done away with, if you apply to this particular Board, they will go to the mat for you and see why. Now, for your information, there has been a new schedule of percentage of disability brought forth, I think as of January 1st, and all cases where compensation has been allowed are being re-rated and it is entirely possible that your case should be re-rated and a satisfactory rating given you. Have

you any objection to swearing to those statements you have made?

Mr. Seimonious: No, sir. (Was sworn.)

JESSE HILL.

Mr. Fowler: All, right, tell us your story.

Mr. Hill: I want to know what you want. I have been a vocational student under the supervision of the United States Veterans' Bureau since 1921, 1922, 1923 and 1924.

Mr. Fowler: Steady? That is, continuous?

Mr. Hill. Yes, sir. I was rehabilitated as a jewelry repair man and engraver November 30, 1924.

Mr. Fowler: And since that time you have been—

Mr. Hill: Yes, since that time I have had to take outside work, couldn't follow my vocation on account of having arrested case of tuberculosis and afraid it would be active on me again.

Mr. Fowler: Have you since that time taken your case up?

Mr. Hill: I have had no occasion to take it up.

Mr. Fowler: Are you drawing compensation?

Mr. Hill: Yes, sir, drawing 20%.

Mr. Fowler: Have you any complaint as to the way your case has been handled?

Mr. Hill: No, sir, I think I have had wonderful treatment from the U. S. Veterans' Bureau.

Mr. Fowler: Have you ever had any dealings with or any occasion to deal with the Kentucky Disabled Ex-Service Men's Bureau?

Mr. Hill: None, whatever, although I would like to say that the Kentucky Disabled Ex-Service men should be commended for the wonderful work they are doing because being affiliated with the American Legion and State Sergeant at Arms I don't see why they should be drawing criticism thruout the state from other organizations.

Mr. Fowler: Do you consider that the criticism has been throughout the state or been localized?

Mr. Hill: It has been localized.

Mr. Fowler: Have you been notified of the new schedule of rating?

Mr. Hill: No, sir.

Mr. Fowler: I would advise you to get in touch with the Kentucky Bureau because all compensation that has been allowed prior to January 1st, they are re-rating and I think a better percentage. As far as your dealings with them has been, their treatment has been satisfactory?

Mr. Hill: As far as my dealings, and I was State Treasurer of the Disabled American Veterans of the State of Kentucky for two years, I was Vice Commander of the local Post of the American Legion for a year, I never taken a man that came through this town or had a disability, I never taken a one to the Veterans' Bureau that I didn't get some kind of service out of the Veterans' Bureau, was treated with all due consideration, courtesy and treated as a gentleman.

Mr. Fowler: And got reasonably prompt action?

Mr. Hill: Yes, sir, I filed my claim the 8th day of August, 1921, and on the 14th day of October, 1921, I got a settlement. On September 21st, 1921, three months after I was examined, my case was passed on in Washington and that was under the Public Health Service under the first bill passed after the World War. My claim went through in three months and that was wonderful service, I think.

MR. R. M. GUTHRIE

Mr. Fowler: Have you any statement you would like to make?

Mr. Guthrie: Nothing, only my experience before the Veterans' Bureau, not personally in regard to my own case because I have no case. The only experience I have had has been taking men to the Bureua for treatment—for examination and treatment. On several occasions I have taken men

there and I recall two cases very distinctly. Two men from Stearns. Judge Denton from Stearns notified me that these men would be here and meet them and take them there, that they were both in his estimation due compensation, or examination. I met them on a cold winter day; one of the men was suffering with bronchial trouble, lung trouble, and the other one was pretty badly shot up, had been working in a mine, and both legs had been broken and of course he couldn't follow his trade of mining because they troubled him and I took the two cases to the Bureau and I don't think they were there but just a very short time until both cases, being emergency cases, were at the hospital—were hospitalized and afforded very prompt treatment.

Another case I had, was interested in before the Bureau, was a man who lived here in town, had been drawing compensation but had been decreased periodically until he was cut entirely off and my attention was called to it because his family was in very destitute circumstances and three or four of us went down to his home and found the conditions—well they were pitiful, and of course the very first thing we did was take his case to the Bureau and after a few days we investigated—when investigation had been made he was refused compensation. From all accounts, it looked like the man was due compensation but perhaps we got an explanation of the matter, was that his condition had changed in that he had contraced another disease after the time, the symptoms were very similar to the disease he had when he was discharged and a very slight difference and that difference had been discovered and of course he wasn't entitled to compensation because he had no service connection. That was verified by an investigation through a physician outside of the Bureau and found to be correct. And for that reason his compensation was discontinued.

Mr. Fowler: And for that reason it was discontinued?

Mr. Guthrie: Because that disease had been contracted after he was in the service and the symptoms were similar to

the ones he had when he was discharged which has been possibly cured.

Mr. Fowler: Have you had any dealings with the Kentucky Ex-Service Men's Board?

Mr. Guthrie: Yes, sir.

Mr. Fowler: In what manner have they handled these claims you have brought before them?

Mr. Guthrie: Most promptly.

Mr. Fowler: Do you consider they have been of assistance to the disabled ex-service men?

Mr. Guthrie: I do, throughout the state.

Mr. Fowler: Do you believe the disabled ex-service men could get as prompt action upon their claims if this board was not there to assist them?

Mr. Guthrie: No, I do not, for this reason. There is a certain amount of routine, you might call it red tape, that is necessary that the average man isn't familiar enough with to prosecute his own claim.

Mr. Fowler: It is necessary then to have someone that is familiar with that to—

Mr. Guthrie: To expedite the claim. I say that from experience.

Dr. Berry: You have had a great deal to do with these claims first and last, haven't you, since the War?

Mr. Guthrie: I have, yes.

Dr. Berry: Do you know of any case in which the Kentucky branch of this service has been derelict in its duty?

Mr. Guthrie: You are speaking of the Disabled Ex-Service Men's Board?

Dr. Berry: Yes, sir.

Mr. Guthrie: No, I do not, because it has been my privilege to be thrown with Colonel Sory at different meetings throughout the state and at every meeting I attended where he has been present he has taken notes and names of claims

that he has heard of that needed attention and that for some reason have been overlooked by the Bureau.

Dr. Berry: Then you think the Kentucky Bureau is doing its full duty?

Mr. Guthrie: I do and I think they have a wonderful man at the head of it.

MR. J. T. SIMMONS.

Mr. Fowler: I want to make a statement I intended to make at the beginning of this meeting but it slipped my mind. The reason why the Legislature is so interested in this, we have just finished appropriating $15,000.00 to continue this Kentucky Disabled Ex-Service Men's Board for another year, rather $15,000.00 for two years, up to the period of the next Legislature, and if that Bureau—if we find that Bureau has not been functioning properly we want to report our findings to the House so they will know what is happening with the money they have appropriated. If it is functioning properly we want to notify them that. That was the sole reason for this Committee ever being formed, was to investigate these charges to find out whether that Bureau was functioning properly or not.

Mr. Simmons: Mr. Chairman, I wish to say this, as Commander of the American Legion Post No. 8. My connection with the Kentucky Board has been very satisfactory, taking all things into consideration, and my only experience has been where a man thinks he hasn't been given a square deal he hasn't met them fifty-fifty. For instance, a man came to my office the other day, trachoma of the eyes. I took him around to the Veterans' Bureau. Looked up his papers, found he had been hospitalized three times and left A. W. O. L. each time just as they were getting ready to operate. I told him to go home and come back the next morning and would furnish him transportation and they would operate on his eyes. That is the last time I have seen him. That man may make a

kick. My experience has been if the Veterans will meet the Kentucky Board of Veterans' Bureau fifty-fifty they get a square deal.

Mr. Fowler: Then in your opinion the men that are complaining, that is the majority of them that are complaining about the treatment or lack of treatment they have failed to receive from the Veterans' Bureau, it has been their fault in not pushing the claim?

Mr. Simmons: That has been my experience personally.

Mr. Fowler: Have you had any experience with the Kentucky Disabled Ex-Seervice Men's Bureau?

Mr. Simmons: Yes.

Mr. Fowler: What has been the treatment accorded you at their hands?

Mr. Simmons: Given a very cordial treatment and answered all correspondence promptly.

Mr. Fowler: Do you know of many cases that they have been of assistance?

Mr. Simmons: Yes, a good many cases since I have been Commander. The number of cases I have taken up with them would be hard to say. In all cases Mr. Sory has given me very encouraging answers.

Mr. Fowler: Have the cases of any of these men that testified at this open meeting this past February in this room, have any of those cases come under your observation?

Mr. Simmons: No, sir, I never heard of any of them.

Mr. Fowler: Anything further along this line you would like to say?

Mr. Simmons: No, I have nothing else to say only that every time I have had occasion to communicate with the Kentucky Board and also the Veterans' Bureau they have always met us fifty-fifty

Mr. Fowler: In other words, you feel like it is a worth while Bureau?

Mr. Simmons: Absolutely.

Mr. Fowler: And ought to be afforded state assistance?

Mr. Simmons: Absolutely doing a wonderful work. They do work the average person on the outside don't know anything about, not even the Commander of the Legion.

Mr. Fowler: You consider that it is necessary for a veteran to have his claim handled with despatch that that Board be in existence?

Mr. Simmons: I think so. It brings the veteran closer, goes right out after them. In other words, they dig up the cases and go a little more in detail possibly and dig up old cases, claims that have never been handled satisfactorily so far.

Mr. Fowler: Being the State Bureau they take more personal interest in the natives of Kentucky than you imagine the Veterans' Bureau would? The point I want to bring out is that they are the home Bureau and they have more interest in the home folks than the Washington Bureau?

Mr. Simmons: Possibly so, they are in closer connection.

Mr. Fowler: And in that way they can help the men push their claims through?

Mr. Simmons: Absolutely. I don't believe that $15,000.00 could be spent better by the State than maintaining this Board for two more years.

Mr. Fowler: Is there anyone else? Have any of the members of the Committee any statement they wish to make?

Dr. Berry: I just want to say here in the presence of the people of Lexington that we came down here last week to investigate, or two weeks ago, to investigate certain charges that were made by people in Lexington. I know nothing of them personally, nor whether they are responsible or not, and I don't know what their motives were, ulterior or sinister or not, but I feel like somebody ought to call the attention of Lexington to the fact that those people, after making those charges, have failed here when they can bring those charges home and we come here to find the truth of it, have failed utterly to come here and say what they had to say at a packed

meeting of their own, and I just leave that thought with the people of Lexington for their own benefit, whether those people, what their motive was, that actuated those people behind the meeting held here a month ago. It seems to me if they meant well and were prepared to stand by the statements they made they would have come here tonight to furnish this committee the testimony on which they could base any criticism that might be made against the State Board, and failing to do that, I don't see how this Committee can do anything else but report to the Legislature that that Board is doing its full duty and these charges are being made by irresponsible people who have no disposition to do anything but kick up fuss, and I believe that is a fair statement of the case. (Applause.)

Mr. Fowler: I want to say in behalf of Mrs. Barlow that she was here that night, made her statement and she came here tonight to make it over again and I want to thank her for being that courteous to the Committee. (Applause.)

There has been quite a bit of publicity in the papers regarding the action of the Committee up here that night. As chairman of the Committee, I have no apologies to offer because I felt then, and I still feel, that I was only trying to do my duty. If I failed to act as a gentleman I am not aware of it and from the expressions of approval I have received from many of the good citizens of Lexington, I don't think that I failed in doing my duty nor the Committee did that night.

I want to thank you good people for coming here tonight and hearing what came before the Committee and I believe, I hope, that when you go home tonight that you will go with the belief that the Committee was up here really in the interest of the disabled ex-service men and not to take sides with any faction. And if any of you know of any disabled ex-service man who has not received the proper treatment, I wish you would get that man in touch with either the Committee or with the Kentucky Disabled Ex-Service Men's Bureau and I assure you they will receive proper care. Now, if there is

nothing further to come before the Committee, the Committee hearing will be considered as over. I thank you all for coming here tonight.

STATE OF KENTUCKY
COUNTY OF FAYETTE } SCT.

I, Lila Darnell Phelps, an Examiner of the Fayette Circuit Court, do hereby certify that the foregoing transcript is a full and accurate copy of all the testimony given at a meeting held in the Fayette County Court House on March 8th, 1926, and that the witnesses swore that the testimony they gave was the truth, the whole truth and nothing but the truth

Given under my hand this the 10th day of March, 1926.

LILA DARNELL PHELPS,
Examiner Fayette Circuit Court

Said report was adopted.

Ordered that said report and transcript of evidence attached thereto, be spread upon the Journal.

Mr. Milliken of the Committee on Rules, to which the same had been referred, reported bills of the following titles, viz.:

S. B. 314. An Act entitled an Act providing for the protection of cemeteries, graveyards, and burial grounds and providing penalty for violation of same.

S. B. 207. An Act to repeal and re-enact Sec. 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth etc.

S. B. 206. An Act to repeal and re-enact Section 3289 of the Kentucky Statutes, 1915 Edition, relating to certain

duties of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

S. B. 350. An Act to amend Sec. 165a-1 Kentucky Statutes Carroll's Edition of 1922, relating to Banking Departments.

S. B. 276. An Act making an appropriation for the purchase of fifteen acres of land adjoining the burial place of President Zachary Taylor in Jefferson County, Kentucky.

S. B. 356. An Act to amend and re-enact Sec. 824, Kentucky Statutes dividing the State into three districts for the purpose of electing railroads commissioners.

S. B. 11. An Act to amend Sec. 1. Chapter 61 of the Acts of the General Assembly of Kentucky, 1920.

S. B. 368. An Act to amend, revise and re-enact Section 1218 of the Kentucky States, relating to Sodomy and Buggery.

S. B. 218. An Act amending and re en-acting Section 2982 Kentucky Statutes.

S. B. 402. An Act relating to the compensation of County School Superintendents in this Commonwealth and fixing the minimim salary of the County School Superintendents.

S. B. 327. An Act for the benefit of Minnie Gruelle, whose husband G. C. Gruelle, lost his life while engaged in the performance of a public service, etc.

S. B. 227. An Act to repeal and re-enact Sec. 3104 of Carroll's Kentucky Statutes, 1915 Edition, relating to the net revenue derived by any city of the second class from its waterworks.

S. B. 386. An Act to provide that coverture shall not prevent the operation of the Statutes of Limitation.

S. Res. 37. Providing for a committee to be appointed to investigate Loan Companies in cities of the first and second class and make a recommendation back to the next General Assembly.

S. Res. 31. For the purpose of validating certain State Warrants alleged to be invalid issued to contractors for road construction etc.

S. Res. 33. Providing for furnishing Kentucky Directories.

S. Res. 14. Providing for the appointment of a Commission to arrange for the suitable and proper participation of Kentucky in Two Hundredth Anniversary of George Washington.

S. Res. 20. That the Golden Rod be adopted as the official State Flower.

With the expression of opinion that said bills and resolutions ought to pass.

Said bill were severally read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills of the following titles, viz.:

S. B. 286. An Act to provide that a motion for an appeal to the Court of Appeals may be made in any action involving $500.00 or more and to give precedence in the hearing of such motion.

S. B. 426. An Act to authorize the State Board of Charities and Corrections to lease or purchase farm lands or farms for the employment of convict labor or the labor of inmates of the several charitable and penal institutions, providing for the improvement of lands purchased.

S. B. 156. An Act to repeal and re-enact Sec. 1599C-1 Carroll's Kentucky Statutes and further regulating the conditions under which persons, firms and corporations may place and maintain wires and poles and other appliances for public utility service on the highways constituting and embraced in the State Primary Road System.

S. B. 325. An Act making an appropriation for completing the monument and path at the birthplace of Jefferson Davis at Fairview, Kentucky.

S. B. 416. An Act to amend and re-enact sec. 743A-9 of Kentucky Statutes, Carroll's 1918 Edition, relating to the conditions to be complied with by mutual insurance companies before being licensed to transact business.

S. B. 397. An Act to authorize the General Council of cities of the second class to cause streets and alleys therein to be surface treated, and providing for the cost of same by assessment against abutting property owners.

S. B. 297. An Act to amend, repeal and re-enact Chapter 82, Acts of the General Assembly of the Commonwealth of Kentucky of 1924, approved by the Governor March 22, 1924, relating to the classification of cities of the Commonwealth of Kentucky.

S. B. 420. An Act creating and establishing as a part of the primary system of the State Highways of the Commonwealth of Kentucky a road leading from Eggner's Ferry in

Marshall County via Briensburg and Palma to McCracken county line.

S. B. 301. An Act relating to the University of Kentucky, providing for the granting of teachers certifications upon credentials; empowering the Board of Trustees of the University of Kentucky to confer certificates; repealing, amending and re-enacting sec. 143, subsec. 4636B-2 Kentucky Statutes, Chapter 14 of the Acts of the General Assembly.

S. B. 370. An Act creating and establishing as a part of the primary system of highways of the State of Kentucky that part of the old Bardstown and Green River turnpike between the village of White City near top of Muldraughs Hill and the town of Buffalo, in Larue county, to be known as Project ——.

S. B. 55. An Act amending and re-enacting sec. 1224 Kentucky Statutes, relating to and providing a penalty for shooting from ambush.

S. B. 384. An Act to add to the primary system of highways a road known as project —— leading from Fred Moore's farm, on Dixie Highway, to Rocky Hill.

S. B. 382. An Act to amend and re-enact an Act entitled, An Act establishing a road from Louisville, Kentucky, to Elizabethtown, Kentucky, by way of Shepherdsville and Lebanon Junction, Bullitt County, as part of the primary system of State Highways, and designating said project as Project 46-A.

S. B. 387. An Act establishing as part of the Primary system of State Highways a road from Leitchfield, via Sonora, in Hardin county to a point on Project 41 on the Dixie Highway.

S. B. 385. An Act to amend and re-enact Sec. 540, Kentucky Statutes, Carroll's Edition 1922, pertaining to organization of corporations.

S. B. 415. An Act to establish a new State Primary Road Project to be known as Project — —beginning at Maysville, Mason county and extending southeastwardly by way of Orangeburg and Mount Gilead in Mason County to Flemingsburg in Fleming county.

S. B. 391. An Act establishing a road from Paducah, Kentucky at the Northern end of Eighth Street in said city and at the city limits to the ferry landing opposite Brookport, Illinois, and being a part of the highway between Paducah, Kentucky and Golconda, Illinois, as part of the primary system of State Highways, and designating said project as project 9-A.

S. B. 122. An Act to repeal and re-enact chapter 277, Acts General Assembly 1924, being An Act entitled "An Act to amend and re-enact sec. 9 chapter 17 of the Acts of 1920, relating to roads and highways by adding to said section the town of Williamsburg, as a construction center," by including Fullerton in said named construction centers.

S. B. 339. An Act to establish as a part of the Primary system of State highways a road from Eddyville, Lyon county, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

S. B. 367. An Act establishing and creating part of the Primary system of State Roads and Highways a road leaving Project 49 at the Old Hayden Stand and running thence via Fairbanks, Natlee, Porter, Sadieville, Davis and intersecting with Project 21 at Cynhtiana.

S. B. 256. An Act to amend and re-enact Section 2380-1, and Section 2380-2 of Kentucky Statutes, Carroll's Edition, 1922, etc.

H. B. 626. An Act to provide for the creation and organization of a City Planning and Zoning Commission for cities of the second class, and surrounding territory which bears relation to the planning or zoning thereof; to prescribe and regulate the power and duties of such Commission, etc.

S. B. 432. An Act to repeal, amend and re-enact section 108 of the Kentucky Statutes, Carroll's 1915 Edition, relating to and prohibiting partnerships between certain public officials to practice law.

S. B. 430. An Act to amend section 3714 Kentucky Statutes, Carroll's 1915 Edition.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles, only.

Ordered that said bills be placed in the orders of the day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 76. An Act to amend and re-enact section 147 of the Constitution of the Commonwealth of Kentucky:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the

members elected to each House of the General Assembly, the yeas and nays being taken thereon and entered in full in their respective journals, Section 147 of the constitution of the Commonwealth of Kentucky be amended, extended and re-enacted so that as so amended, extended and re-enacted it will read as follows:

Section 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. Provided however, that the General Assembly may enact laws to permit electors or voters who are unavoidably absent, or who are required by their regular business or occupation to be absent, from their voting precincts on the day of the election, to exercise the right of suffrage and to vote in all elections held within their precincts, and to provide all necessary means for preparing, delivering and having counted such votes. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

§ 2. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the

time and in the manner provided for under Section 256 of the constitution and under Section 1459 Kentucky Statutes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	J. L. Manning
W. B. Ardery	D. W. Fowler	A. M. Mercer
Wm. J. Arvin	Otto C. Gartin	H. J. Meyers
W. O. Bach	R. E. Glenn	J. S. Milliken
J. H. Baughman	F. A. Gnau	B. T. Morris
T. H. Benton	Whitsett Hall	L. P. Murphy
Shaler Berry	Lawrence Harmon	Chas. N. McCarty
C. H. Berryman	J. F. Harrison	W. J. McGill
W. P. Bowman	C. W. Hawkins	Smith Park
D. F. Brown	J. M. Hayse	J. J. Patterson
Geo. A. Brown	Goebel B. Henson	Geo. W. Potter
J. R. Buckman	H. M. Holbrook	W. H. Pryor
W. G. Buckner	H. B. Holland	H. A. Pulliam
S. J. Bunger	S. K. Holland	Clint Raymer
C. B. Carver	Ira L. Horne	R. R. Rogers
Lonnie Cooper	E. M. Johnson	C. W. Ryans
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	D. C. Jones	E. J. Snyder
W. J. Curtis	Mrs. H. G. Jorris	Frank L. Strange
J. L. Cushing	W. O. Keller	J. G. Swearengin
C. L. Daly	J. R. Kelly	C. D. Vincent
Mormon B. Daniel	Oscar Leibson	W. S. Wallen
J. R. Dorman	W. W. Leslie	T. B. Watts
E. J. Doss	Leon P. Lewis	

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Those who voted in the negative were—

W. A. Carson J. C. Hutcherson Caleb Page

—3

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 290. An Act to amend section 822, subdivision 111,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Danville, via Hubbell, to Lancaster be and the same is hereby established as a part of the Primary System of State Highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said roads shall be subject to all the terms and conditions set out and provided for in Chapter 17, page 76, of the Acts of 1920, establishing and creating a primary System of State Highways.

§ 2. Said road shall de designated as Project No. —. corporations—private, Carroll's Edition of Kentucky Statutes—Railroad Commission.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	Leon P. Lewis
Wm. J. Arvin	E. J. Doss	J. L. Manning
W. O. Bach	J. O. Evans	Shelby Martin
T. H. Benton	Otto C. Gartin	H. J. Meyers
Shaler Berry	R. E. Glenn	H. H. Miller
C. H. Berryman	F. A. Gnau	J. S. Milliken
W. P. Bowman	Whitsett Hall	T. R. Moore
D. F. Brown	Lawrence Harmon	B. T. Morris
Geo. A. Brown	J. F. Harrison	L. P. Murphy
F. W. Bryant	C. W. Hawkins	Chas. N. McCarty
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. B. Holland	J. J. Patterson
S. J. Bunger	S. K. Holland	Geo. W. Potter
C. B. Carver	J. C. Hutcherson	R. R. Rogers
Lee Clark	E. M. Johnson	Philip J. Ryan
Lonnie Cooper	Grover C. Johnson	C. W. Ryans
J. D. Cox	W. W. Johnson	M. G. Slusher
J. S. Cruse	D. C. Jones	J. G. Swearengin
W. J. Curtis	Mrs. H. G. Jorris	C. D. Vincent
J. L. Cushing	W. O. Keller	W. S. Wallen
C. L. Daly	J. R. Kelly	T. B. Watts
Mormon B. Daniel	W. W. Leslie	

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Those who voted in the negative were—

W. B. Ardery	Ira L. Horne	H. A. Pulliam
S. J. Bunger	Caleb Page	Chiles Van Antwerp
W. A. Carson	Jas. J. Peters	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 167. An Act regulating the depositing of funds of the Commonwealth of Kentucky collected by county and district officials and trustees of the jury fund, and providing a manner of keeping a daily record thereof and fixing penalties for failure to keep such record or to make such deposit and for converting such funds to such officers' individual use.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter all county and district officers of the Commonwealth of Kentucky charged with the duty of collecting funds due or going to the Commonwealth of Kentucky shall keep a cash book and shall enter thereon each day as collected the amounts collected, from whom, and on what account, and his commissions thereon, and all funds thus collected by any such officers, less his commissions thereon, except the funds collected by the trustee of the jury fund and such funds as are required to be paid over by certain officials to the trustees of the jury fund and such funds as are required to be reported to a circuit court of this Commonwealth, shall be at once deposited by the officer making such collection, to the credit of the State Treasurer of the Commonwealth of Kentucky in some depository in the Commonwealth of Kentucky to be designated by the officer make the collection, which depository shall be authorized by the laws of the state of Ken-

tucky or by the laws of the United States of America to do a general banking business.

§ 2. The trustees of the jury fund of the various circuit courts of this Commonwealth and every officer of this Commonwealth who collects any funds due or going to the Commonwealth of Kentucky, the collection of which is required to be reported to a circuit court of the Commonwealth, shall be required to at once deposit to his official credit all such funds so received or collected by him in some depository of the Commonwealth of Kentucky, to be by such officer designated, which depository shall be authorized by the laws of the state of Kentucky or by the laws of the United States of America to do a general banking business.

§ 3. All officers of this Commonwealth required by the terms of this act to make deposits of funds collected either to his official account or to the credit of the Treasurer of the state of Kentucky shall, at the time each deposit is made, procure from such designated depository an original and two duplicate certificates of such deposits which shall show the date of such deposit, the amount thereof, and on what account such collection was made, and such officer so making such deposit shall at once forward by mail one duplicate deposit slip to the Auditor of Public Accounts for the state and one to the State Treasurer for the state, at Frankfort, Kentucky. All certificates and duplicates of deposits and all cash books herein required to be used shall be furnished by the state of Kentucky on a form to be prepared by the State Inspector and Examiner, and no other form of cash book or deposit slip shall be used, and it shall be the duty of every such officer collecting funds due or going to the Commonwealth to make requisition for such cash book and certificates of deposits when needed.

§ 4. Any officer of this Commonwealth authorized to make deposits in designated depositories, as required by this act, who shall wilfully fail to deposit the funds so collected by such officer within five days after such collection has been made or who shall fail to keep a record of his daily collections

or who shall fail to make reports of all collections made for the use and benefit of the Commonwealth within the time required by law, or who shall fail to immediately forward the duplicate certificates of deposits, as herein required, shall be deemed guilty of a misdemeanor and, upon conviction, such officer so failing shall be fined in any sum not exceeding $1,000.00, and each failure to make the deposit within the required by this act and each failure to keep the daily record of collections made, and each failure to forward the duplicate certificates of deposits as herein required and each failure to make reports required of such officer within the time fixed by law shall be deemed a separate offense.

§ 5. Any officer of this Commonwealth authroized by law to collect funds for the use and benefit of the Commonwealth of Kentucky, who shall convert to his own use any fund or funds so collected by him for the Commonwealth of Kentucky, shall be deemed guilty of a felony and, upon conviction, he shall be confined in the penitentiary for a period of not less than one year nor more than five years.

§ 6. In addition to the penalties imposed by sections four and five hereof, any officer who shall fail to deposit the funds so collected by him in a designated depository within the time provided for by this act, or who shall fail to make a report of such collections to the officer to whom he is required by law to make such report within the time designated, shall pay to the Commonwealth of Kentucky a penalty of 25 per centum on all amounts so collected by such officer of the Commonwealth of Kentucky which have not been so deposited or reported within the time and in the manner as required by the provisions of this act.

§ 7. The Franklin circuit court, at Frankfort, Kentucky, shall have exclusive jurisdiction in all actions, civil and criminal, instituted for the purpose of enforcing the provisions of this act and for the purpose of enforcing the penalties denounced hereby.

§ 8. Every officer herein required to make deposits in some designated depository shall, when making a report of collections so made to any department of the state government, as required by law, forward with such report the original of the certificates of deposits made by him.

§ 9. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. J. Curtis	J. C. Hutcherson
W. B. Ardery	J. L. Cushing	E. M. Johnson
Wm. J. Arvin	C. L. Daly	Grover C. Johnson
W. O. Bach	Mormon B. Daniel	W. W. Johnson
J. H. Baughman	J. R. Dorman	D. C. Jones
T. H. Benton	E. J. Doss	Mrs. H. G. Jorris
Shaler Berry	J. O. Evans	W. O. Keller
C. H. Berryman	D. W. Fowler	J. R. Kelly
D. F. Brown	Otto C. Gartin	Thos. H. King
Geo. A. Brown	R. E. Glenn	Oscar Leibson
F. W. Bryant	F. A. Gnau	W. W. Leslie
W. G. Buckner	Lawrence Harmon	Leon P. Lewis
S. J. Bunger	C. W. Hawkins	J. L. Manning
C. B. Carver	J. M. Hayse	Shelby Martin
Lee Clark	Goebel B. Henson	A. M. Mercer
Lonnie Cooper	H. M. Holbrook	H. J. Meyers
Fred H. Coots	H. B. Holland	H. H. Miller
J. D. Cox	S. K. Holland	T. R. Moore
J. S. Cruse	Ira L. Horne	R. T. Morris

L. P. Murphy	Geo. W. Potter	Mac Swinford	
Chas. N. McCarty	R. R. Rogers	Chiles Van Antwerp	
J. L. McDavid	C. W. Ryans	C. D. Vincent	
W. J. McGill	M. G. Slusher	T. B. Watts	
Smith Park	E. J. Snyder		
J. J. Patterson	J. G. Swearengin		—73

Those who voted in the negative were—

W. A. Carson	Caleb Page	Clint Raymer	—3

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 104. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amounts owing for labor or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 If the owner of any legal or equitable title or interest in land or in the improvements thereon shall contract for any labor or material used in the erection, repair or improvement of any structure thereon, under such circumstances that a lien

for the payment therefor has or may attach to said property, and shall sell or mortgage same before the expiration of the time provided by law for the filing and recording of a mechanic's lien or materialmen's lien thereon he shall when he receives the consideration for said sale or the proceeds of said loan pay in full such sum or sums as may be owing for said labor and materials, unless released in writing thereupon by the person or persons furnishing the labor or materials. If said consideration or the proceeds of said loan shall not be great enough to make such payment in full, then he shall make pro rate payments on all claims for such labor and material to the persons entitled to said payments, or either or any of them.

§ 2. Any person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $50.00 or more than $1000.00, or be imprisoned not less than one nor more than twelve months, or both so fined and imprisoned in the discretion of the jury.

§ 3. All laws or parts of laws in conflict herewith are repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. H. Baughman	C. H. Berryman
W. B. Ardery	T. H. Benton	W. P. Bowman
Wm. J. Arvin	Shaler Berry	D. F. Brown

Geo. A. Brown	C. W. Hawkins	H. H. Miller
F. W. Bryant	Goebel B. Henson	L. P. Murphy
J. R. Buckman	H. M. Holbrook	Chas. N. McCarty
W. G. Buckner	H. B. Holland	J. L. McDavid
S. J. Bunger	S. K. Holland	W. J. McGill
C. B. Carver	Ira L. Horne	Caleb Page
Lee Clark	J. C. Hutcherson	Smith Park
Lonnie Cooper	E. M. Johnson	J. J. Patterson
Fred H. Coots	Grover C. Johnson	Geo. W. Potter
J. D. Cox	W. W. Johnson	W. H. Pryor
J. S. Cruse	D. C. Jones	H. A. Pulliam
J. L. Cushing	Mrs. H. G. Jorris	Clint Raymer
C. L. Daly	W. O. Keller	R. R. Rogers
Mormon B. Daniel	J. R. Kelly	Philip J. Ryan
J. R. Dorman	Thos. H. King	C. W. Ryans
E. J. Doss	Oscar Leibson	M. G. Slusher
J. O. Evans	W. W. Leslie	W. R. Smith
Otto C. Gartin	Leon P. Lewis	E. J. Snyder
R. E. Glenn	J. L. Manning	J. G. Swearengin
F. A. Gnau	Shelby Martin	Mac Swinford
Whitsett Hall	A. M. Mercer	J. L. Valandingham
Lawrence Harmon	H. J. Meyers	T. B. Watts

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 208. An Act relating to the fiscal administration of the Commonwealth of Kentucky; providing for a budget system, depositing funds and balances in the State Treasury, authorization of expenditures, and other matters in connection therewith; creating a budget commission, state budget officers and providing their duties; providing for the duties of the Auditor of Public Accounts and other officers and repealing sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 12 of Acts of 1918 of the General Assembly of Kentucky, and providing for penalties for the violation of the provisions of this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a commission which shall be known as the Budget Commission. The Budget Commission shall be composed of three members consisting of the Governor, who shall be ex-officio the chairman of the commission, the chairman of the State Tax Commission and the Auditor of Public Accounts.

The Governor, Auditor of Public Accounts and the chairman of the State Tax Commission shall serve as members of the Budget Commission without additional compensation. Each member of the commission shall be entitled to cast one vote on questions which may come before the commission, and two members of the commission shall constitute a quorum for the transaction of business. The Budget Commission shall perform such duties as are prescribed in this act, and shall require and enforce the performance, by other state officials or agents, of such duties as are enumerated in this act, together with such duties as are reasonably implied therefrom and the performance of which the Budget Commission may deem necessary or expedient for accomplishing the purposes of this act.

§ 2. There is hereby created the office of State Budget Officer. The State Inspector and Examiner shall by virtue of his office be the State Budget Officer, and ex-officio secretary of the Budget Commission.

The State Budget Officer, subject to the authority and direction of the Budget Commission, shall prepare the budget and the budget bills and shall compile and collect all of the data which may be necessary to enable the Budget Commission to discharge its duties adequately. He shall likewise enforce the provisions of this act, and shall require any other public official to perform any duties which may be deemed essential to the proper enforcement of this act. All of the acts of the State Budget Officer shall be subject to the approval or disapproval of the Budget Commission, when in session, and of the Governor when the Budget Commission is not in session. The State Budget Officer shall have no vote on any matter which may come before the Budget Commission. In addition to his duties as hereinbefore prescribed, the State Budget Officer shall make regular investigations of all state offices. He shall report to the Governor on each and every budget unit at least once each year, and under the direction of the Governor, shall prepare the material for a report to the General Assembly concerning each budget unit for the use of the Governor. The Governor shall submit a full and complete report to the second session of the General Assembly during his administration as to the development, functions, organization, business methods, expenditures and operations of each budget unit and as to the state administration as a whole, together with any recommendations he may have for improvements in administration.

§ 3. The term "budget unit" as used in this act shall be construed to include each and every department, board, commission, institution, office, agency, society, association, service or other administrative organization of the state which is entitled by any provision of law to receive and expend public funds, except as hereinafter provided, together with: (a) Sub-

division of such departments, boards, commissions, institutions, offices, agencies, societies, associations, services, or other administrative organizations for which separate appropriations are made or by which separate accountings are required by the Budget Commission; and (b) interest, pensions, and other general items for which separate appropriations are made.

§ 4. In the classification for use in the analysis of state expenditures each budget unit that has more than one class of expenditures shall be subdivided into each separate class. The appropriation for a budget unit that has only one class of expenditures shall be construed to constitute a separate budget fund. The appropriation for a budget unit that has more than one class of expenditures shall be subdivided; each subdivision thereof shall be construed to be a separate budget fund.

§ 5. For the the purpose of obtaining budget statements and budget estimates from the several budget units which are entitled by law to receive or expend state funds; and for the purpose of investigating the necessity for the appropriations so requested, and of ascertaining and determining whether any increases in the appropriations so requested are necessary; and whether the income legally accruing to any such budget unit has been properly collected; and whether the income accruing to or the appropriations made for any such budget until such budget units have been properly and economically expended, or for the purpose of obtaining any information for reports required of him or the Governor or other pertinent information, the Budget Commission and the State Budget Officer shall have authority to make any examination or investigation which may be deemed necessary and to issue subpoenas and require the attendance of witnesses; to conduct hearings, to examine witnesses under oath, and to require the production of any books, papers, documents or accounts which may be necessary to carry out the investigation properly. In case of disobedience on the part of any

person, or failure to comply with any lawful order of the commission or the Budget Officer, or any lawful subpoena, or on refusal of any witness to testify to any matter regarding which he may be lawfully interrogated before the commission or the Budget Officer or any member of the commission, it shall be the duty of the circuit court of the county, or the judge thereof, having jurisdiction of the person, on application of the commission or any member thereof, or the Budget Officer, whose order or subpoena has been disobeyed, to compel obedience to the requirements of the subpoena or to the order of the commission or of the member thereof or of the Budget Officer, and to compel the production of books, accounts, papers, records, documents, and testimony, and upon failure, refusal or neglect of any person to comply with the order of the court or the judge thereof, made on application of the commission or a member thereof or the Budget Officer, as herein provided, such person shall be punished for contempt of court.

§ 6. All appropriations of the State from current revenue shall be made by virtue of the authority of any annual or biennial appropriation act, which shall be based upon a budget, which shall be prepared and adopted as set forth in this act. At each and every regular session of the General Assembly, a budget shall be adopted for the two fiscal years next ensuing. For the purpose of providing such a budget, the Budget Commission shall formulate and prepare a budget or a tentative budget and shall submit such budget report or tentative budget to the General Assembly for adoption, either with or without amendments and modifications. The budget when finally formulated, agreed upon, and adopted by the General Assembly, shall be embodied in and shall be made effective by the passage of an appropriation act or appropriation acts, which act or acts shall allot the funds available for state purposes, for the two fiscal years next ensuing, in accordance with the fiscal program as set forth in the budget, making

such allotments as specific and detailed as may be deemed necessary or advisable for the control of expenditures.

§ 7. The budget report or tentative budget as prepared and formulated by the Budget Commsiion shall consist of (1) Letter of Transmittal, (2) a Financial Summary, (3) a Statement of Receipts and a Statement of Expenditures by Budget Units, and (4) a Detailed Statement of Proposed Expenditures and of Related Data.

1. The letter or letters of transmittal shall be prepared by the Governor, the Budget Commission, or both, explaining, interpreting and discussing any changes of policy or other matters having an important bearing on the budget as a whole, and shall be transmitted to both houses of the General Assembly.

2. The financial summary shall be so prepared as to give in total and by funds the actual or estimated total of annual receipts, disbursements and balances on hand in the State Treasury or elsewhere for a period of five years, including the two years for which the budget is prepared. The amounts given in the statements for the two fiscal years last preceding shall be actual. The amounts given in the statement for the current years shall be based upon the budget and appropriation act of the current year and shall be supplemented by any necessary or desirable notes as to probable expenditures. The amount given in the statements for the two fiscal years next ensuing shall be the total of the Governor's estimate and recommendations for those years.

3. The statement of receipts and the statement of expenditures by budget units shall be prepared in the same form as the financial summary as set forth in subsection 2 of this section, except that the receipts as set forth herein shall be itemized by sources of character and the expenditures shall be itemized by budget units. Any and all receipts, expenditures, and balances, other than those of the state treasury, shall be clearly shown in all statements.

4. The detailed statement of proposed expenditures and related data shall show, for each budget unit, the past and proposed expenditures, the revised appropriations for the current year distributed according to budget classes, as defined in this act, the requests of each budget unit, and the Governor's recommendations. Under each budget unit, and following the list of actual and proposed expenditures, there shall be inserted an explanation of any and all considerable differences between the amounts requested by the budget unit and recommended by the Governor and the corresponding amounts for the fiscal year immediately preceding. The statement shall also show all available comparative and other data as to work done, units costs, and other like information which can be presented in summary form.

§ 8. The budget report or tentative budget as herein provided for shall be based upon statements and estimates prepared by the several budget units and filed with the Budget Commission, together with such additional information as may be obtained by the Budget Commission or the Budget Officer, by other methods or from other sources.

§ 9. The official who is the administrative head of each budget unit in the state shall, on or before the fifteenth day of November of each year immediately preceding the year in which the General Assembly convenes in regular session, or on or before a date prior to said fifteenth day of November, which may be fixed by the Budget Commission, prepare an estimate of the financial requirements of such budget unit for the two fiscal years next ensuing, together with a statement of the receipts and expenditures of such budget unit and explanatory data, as hereinbefore specified, and any and all other data which may be prescribed by the Budget Commission and which may be required in the preparation of the budget. All such statements and estimates so submitted shall be certified by the official whose duty it is to make the report. The Budget Commission is hereby authorized to prescribe such rules and regulations from time to time as may be

deemed necessary and expedient for the guidance of officials who may be required to prepare and submit budget estimates and statements under the provisions of this act. The forms used in submitting such budget estimates and statements shall be prescribed and furnished by the Budget Commission. The Auditor of Public Accounts shall furnish any information which the Budget Commission may request to aid them in the preparation of the budget.

§ 10. Upon receipt of the statements and estimates provided for in section 9 of this act, the Budget Officer shall assemble all reports, statements, estimates, and other data in such form as will be most suitable and convenient for consideration by the Budget Commission, and shall prepare such compilations and provide such forms and perfect such arrangements as will enable the Budget Commission to proceed expeditiously and intelligently in the discharge of its duties.

§ 11. On or before the twenty-first day of December of the year preceding the year in which the General Assembly convenes in regular session, the Budget Commission shall meet for the purpose of examining and considering the reports, statements, and estimates which have been submitted and for the purpose of preparing the budget and the appropriation bills as herein provided. The commission may adjourn and may fix the time and place of the next meeting as it may deem advisable. The Governor, with the advice and assistance of the other members of the commsision, shall examine the statements and estimates and shall do all other things necessary for the purpose of determining whether the funds expended by the respective budget units have been wisely, judiciously, and economically spent, whether the amounts requested are necessary for the proper maintenance and operation of the respective budget units, and whether it will be wise to grant the amounts requested in view of the financial conditions of the state. The Governor, or the commission, or any member thereof, shall make such investigations, conduct such hearings, and receive such testimony per-

taining to any matters which may be involved in the preparation of the budget as may be deemed advisable or as is provided for in this act.

§ 12. The statements, estimates, reports, and other data filed with the Budget Commission shall be kept in the files of the commission and in the custody of the Budget Officer, where they shall be preserved as public records for a reasonable number of years.

§ 13. After the Governor shall have examined such reports, statements, and estimates, he shall prepare recommendations as to each budget item for the two fiscal years next ensuing, which shall be presented in the budget report presented to the General Assembly, and shall be in such form and contain such information and data as is hereinbefore prescribed in this act.

§ 14. Subject to the direction of the commission, the Budget Officer shall prepare one or more appropriation bills embodying the budget items as recommended by the Governor, and which are by the Governor deemed essential for the proper maintenance and operation of each of the respective budget units. The appropriation or appropriations for each budget unit shall be specified in a distinct and separate section or item of the bill. The commission, in its discretion, may include all appropriations for the two fiscal years for which appropriations are to be made in one bill or separate bills embodying the appropriations for each fiscal year, may be drafted and presented. In any case, each appropriation except for capital outlay shall be made for a period of not more than one fiscal year.

§ 15. On or before the third Monday after the convening of the General Assembly in regular session, the Budget Commission shall transmit to the House of Representatives a copy of the budget, accompanied by a copy of the appropriation bill or appropriation bills.

§ 16. From the time of the submission of the budget to the General Assembly until the appropriation bills shall have

been finally disposed of, the Budget officer shall be at the disposal of the General Assembly or of any of the appropriation committees thereof, and shall devote his entire time to the work of the appropriation committees under the direction of the respective chairmen.

§ 17. When the budgets for two fiscal years for which appropriations are to be made shall have been adopted by the General Assembly, and when the acts making the appropriations therefor shall have been enacted, copies of budgets as approved and copies of the appropriation acts as passed shall be certified to the Budget Commission by the Clerk of the Senate. In case the General Assembly shall fail to prepare or complete a budget to conform to the appropriation act or acts as passed, the Budget Commission shall proceed to prepare or complete a budget which will conform to the appropriation act or acts as passed, and when the budget is so prepared, the Budget Commission shall cause the same to be printed in such manner as may be deemed advisable. The budget so prepared shall comprise a financial summary, a statement of receipts and statement of expenditures by budget units, and a detailed statement of expenditures by budget classes, the statement of expenditures including figures by budget classes for the fiscal years for which appropriations are made and conforming in totals to the appropriations.

§ 18. The terms and the provisions of the budget and the appropriation act or acts shall constitute binding limitations upon expenditures from the state treasury, but may be adjudged and modified to the extent and in the manner hereinafter specified in this act.

§ 19. In the event that any appropriation made by and included in the appropriation act is not itemized by budget classes, it shall be deemed to be the intent of the General Assembly that the appropriation so made is to be expended in accordance with the budget classes as set forth in the budget approved by the General Assembly, or, in default thereof, by the Budget Commission. In cases where appro-

priations have been made as hereinbefore provided in this section, transfers from one budget class item to another may be made by any of the following boards or officials: The State Board of Health, the State Board of Education, the State Board of Charities and Corrections, the State Board of Agriculture, the Highway Commission, the Board of Trustees of the State University, and the boards of the several normal schools, for the appropriations over which each of such boards, respectively, has control, and by the Governor for all other appropriations. In the event that an appropriation for any budget unit is made according to budget classes, transfers between the budget classes constituting such appropriation may be made, in cases of emergency, upon the authorization, in writing, of the Budget Commission, and a copy of such written authorization shall be submitted to each House of the General Assembly on the first day of the next succeeding session. When any tranfer from one budget class to another in any appropriation is made, the body or officer authorized to make such transfer shall file a statement of such transfer with the Auditor of Public Accounts, who shall make the necessary entries or adjustments on his budget ledger, and if no statement is filed, the Auditor of Public Accounts shall restrict the expenditures of such budget unit to the terms of the budget allotments as approved by the General Assembly or Budget Commission, or to the terms of earlier transfers which have been properly filed.

§ 20. All appropriations for contingencies and special items shall be made available for the use of any budget unit only after approval, by the Governor, of the individual items of the expenditures proposed.

§ 21. All questions which may arise as to the meaning of the terms used in any appropriation act and in the budget shall be decided by the Auditor of Public Accounts in conformity with the detailed estimates and other information known to have been considered by the General Assembly, but any budget unit affected by the Auditor's decision may appeal

therefrom to the Budget Commission and the decision of the Budget Commission shall be final and conclusive. The Auditor of Public Accounts shall, when so requested, whenever he deems it expedient, advise the several budget units as to the meaning of terms used in the appropriation acts and the budget and all such advice given and decisions made by the Auditor of Public Accounts shall be in conformity with the rulings of the Budget Commission, except as hereinafter provided. He shall audit all vouchers for expenditures from the state treasury, but he shall authorize no expenditures unless they are in conformity with the requirements and provisions of the appropriation acts and the budget.

§ 22. The Auditor of Public Accounts shall keep as a part of the records of his office a budget ledger. The Auditor of Public Accounts shall at the beginning of each fiscal year credit the budget ledger with the funds set apart and appropriated by the budget appropriation act to each department, board, commission, institution, office, agency, society, association, service or other administrative organization of the state.

All warrants drawn by the Auditor shall designate the budget fund from which same is payable and before said warrant is delivered to the person entitled thereto the same shall be entered upon the budget ledger as a charge against the budget fund from which same is payable. The entry shall show the date of the warrant, serial number, to whom issued and the amount thereof.

The Auditor of Public Accounts shall have no power or authority to issue a warrant in excess of any budget fund, and any warrant or warrants so issued shall be illegal, null and void.

§ 23. All contracts, except as hereinafter provided, entered into by any department, board, commission, institution, office or agency of the Commonwealth of Kentucky for the expenditure of funds appropriated from the state treasury, shall contain a provision that the contract shall not be deemed

an obligation of the Commonwealth to pay the sums stipulated therein, until the contract had been submitted to the Auditor of Public Accounts, so that the Auditor of Public Accounts can determine from his budget ledger whether the budget fund out of which the sums are to be expended under the contract are within the budget fund out of which they are payable. If the Auditor of Public Accounts, from an examination of his budget ledger, finds that the sum to be expended under the contract is within the budget fund out of which it is payable, he shall then enter the date of the contract, the name of the contractor, and the amount to be expended under the contract on his ledger. The amount of said contract to be a charge against the budget fund out of which same is to be paid; and the Auditor shall thereupon attach his certificate to said contract showing that same has been entered and charged on his budget ledger against the budget fund from which the sum to be expended under the contract is payable.

All contracts, except as hereinafter provided, based on an estimate cost, and containing a provision that the unit price fixed in the contract shall control the cost of the work to be done under the contract, shall contain this provision: Provided, however, this contract shall not be construed to be an obligation of the Commonwealth to expend any sum in excess of the estimated cost stated in the contract; and such contracts shall contain this further provision: The contractor grants to the first party the optoin and right, in the event there is an overrun and the estimated cost is consumed by computing costs on the basis of the unit cost, to require the contractor to enter into a new contract with the first party for the completion of all work remaining unfinished after the estimated cost has been consumed, at the same unit cost, and under the same terms and conditions contained in the original contract. If first party elects to exercise its option under this provision, it shall give the contractor written notice of its election, and the contractor thereupon shall be bound and required to enter into a new contract for the completion of the

work under the terms and conditions contained in the original contract.

Contracts entered into under the provisions of this paragraph shall be submitted to the Auditor of Public Accounts and shall be charged to the budget fund from which the contract price is payable, and shall be executed under the provisions of this section.

No contract, except as hereinafter provided, shall be deemed a valid obligation of the Commonwealth until the certificate of the Auditor of Public Accounts has been attached thereto as required by the provisions of this section. The Auditor of Public Accounts shall carry a daily balance of budget funds on his budget ledger in pencil, so that the budget ledger shall at all times show the balance in each separate budget fund.

§ 24. The Governor may in his discretion, require any contract, plans, or specifications, for the purchase of real estate, or the construction of any building, or other public work whatsoever, entered into by any department, board, commission, institution, office, agency, society or other administrative organization of the Commonwealth, to be submitted to him for his approval, and if, in his opinion, the proposed expenditure is unwise, or if the plans, or specifications, in his judgment, are ill advised, or for any other reason unsatisfactory, he shall have the power and authority to disapprove said contract, plans or specification.

§ 25. The Auditor of Public Accounts in entering the credit of the budget fund upon his budget ledger to the credit of the highway department, shall set apart in the appropriation act for original and reconstruction of roads and bridges, each fiscal year, shall set apart out of said budget fund ten (10%) per cent thereof, in a separate fund to be used by the highway department in paying the costs that may occur in overruns on contracts entered into on a unit costs basis as provided for in section 23 hereof, and out of said fund the highway department may pay such sums as may be necessary

to finish the work under any contract not completed by the estimated cost of said work, and such surplus as may remain in said fund at the close of any fiscal year shall be credited back to the original budget fund from which it was drawn.

§ 26. In the event that the General Assembly should fail to make an appropriation or appropriations for the fiscal year or years next ensuing or the Governor shall veto an appropriation or item, then and in that event an appropriation equal in amount to the apropriation made for each budget unit for the fiscal year next preceding, exclusive of appropriations for capital outlays, is hereby made and shall continue available from year to year until an appropriation shall have been made as is provided herein and shall become effective. In case the appropriation made for any budget unit is applicable alike for capital outlays and other expenditures, the Budget Commission shall determine what proportion of such appropriation shall continue available for the maintenance and operation of the budget unit, as hereinbefore provided in this section, until an appropriation shall have been made by the General Assembly.

§ 27. The State Treasurer shall be ex-officio the treasurer of all budget units, and all income, receipts, or earnings of any character whatsoever and all balances on hand at any time shall be deposited with such treasurer in such manner and at such times as he may determine and direct and all such funds shall be subject to accounting by him and by the Auditor of Public Accounts, except as hereinafter provided. Every budget unit having balances, private funds and contributions available for its support, or for the purpose of defraying the expenses of any work done under its direction, shall expend such funds strictly in compliance with the terms and provisions of the budget and appropriation act or appropriation acts, and if there be no statutory authorization or direction. then and in that event such funds shall be expended only upon written authority from the Governor and only after notice in writing shall have been given to the Auditor of Public.

Accounts and Budget Officer, stating the amounts on hand or received and the expenditures approved and authorized by the Governor. Disbursements from private and public funds shall be made by drawing vouchers on the Auditor of Public Accounts. Imprest funds, consisting of any money deposited with the treasurer under the provisions in this section, may be established by the Budget Commission, and disbursements from such imprest fund may be made by any budget unit, to such extent as may be authorized by the appropriation act or by the Governor, and to any extent permissible without impairing the capital of such imprest funds. The provisions of this section shall not be construed to apply to such private funds held by budget units as are found by the Budget Commission to be used for the payment of salaries and expenses of employes who receive no compensation from other state funds for their services, and who are employed separately and on work of an entirely different nature from that of the state employes, nor shall the provisions of this section be construed to apply when in the opinion of the Budget Commission private money is distributed through the agency of any budget unit as grants, aids, or benefits which are not related to similar grants, aids or benefits paid by the state, or the private money is used for dining hall, dormitory, student activities, or other like purposes, and not for a payment to a budget unit or a budget unit employe. No moneys shall be held to be outside the provisions of this section until specifically so designated by the Budget Commission and full reports of receipts, expenditures, and balances of such moneys shall be made to the Auditor of Public Accounts in the manner prescribed by the Budget Commission.

§ 28. The Budget Commission is hereby authorized to grant special authority to any budget unit to expend money for capital outlays during any fiscal year in anticipation of appropriations already made and available for the next fiscal year for that purpose.

The Auditor of Public Accounts shall upon authorization of such expenditures in writing signed by the chairman of the budget commission credit his budget ledger with the amount of said authorization of expenditures made available by appropriations for the next fiscal year, all contracts entered into for expenditure of such funds as have been made available by the budget commission under the provisions of this section shall be submitted to the Auditor as provided for in section twenty-three of this act, and if said contract or contracts so submitted are within the funds made available by the authorization of the budget commission, the Auditor of Public Accounts shall attach to said contract the certificate required in section twenty-three of this act with the exception that said certificate shall show that the funds to be expended are payable out of a budget fund out of which said authorization was made in the next fiscal year.

§ 29. Copies of all tax assessment and revenue bills sent out or issued by any department or institution of the state government or registers thereof shall be filed with the Auditor of Public Accounts, and shall be entered on records to be kept for that purpose in his office, designating in each case the amounts which accrue therefrom to the public revenue.

§ 30. It shall be the duty of the Auditor of Public Accounts to require the State Inspector and Examiner to audit periodically the revenue collections of all kinds accruing to the state, exclusive of checks or assessments which in his opinion are now adequately made as required by the State Tax Commission, to ascertain whether the revenue due and owing to the state is being properly and completely collected, and if the Auditor shall find from said audit or audits that the collections are not being satisfactorily made, he shall report that fact to the authority whose duty it is to make such collections.

§ 31. Before paying any bill for salaries, wages, per diem, or other form of personal service, except as hereinafter provided, the Auditor of Public Accounts shall require the

submission with the voucher of a certified time report. The Budget Commission shall fix and prescribe limits upon vacations and leaves of absences; regulations as to working hours; the forms of time records; and the procedure as to attendance on duty and leaves of absence.

§ 32. Any officer, agent or employe of any budget unit who shall wilfully fail or refuse to comply with any of the provisions of this act, or who shall expend any money in excess of the amount of the appropriation, shall be deemed guilty of a misdemeanor and be subject to indictment in the Franklin circuit court, and upon conviction shall be fined in any sum of not less than fifty ($50.00) dollars, nor more than five hundred ($500.00) dollars, for each offense.

§ 33. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of chapter 12, of Acts of 1918 session of the General Assembly of the Commonwealth of Kentucky, be and the same and each of said sections are hereby repealed.

§ 33½ The provisions of section 21, 23, 24, 27 and 31 of this act shall not apply to the University of Kentucky and the State Normal Schools and Teachers Colleges.

§ 34. This act shall be liberally construed, and if any section, paragraph or provision thereof shall be declared unconstitutional, the invalidity of such section, paragraph or provision shall not affect the remaining sections, paragraphs or provisions of this act; and it is declared to be the legislative intent to enact each provision, paragraph, and section of this act separately.

§ 35. All acts and parts of acts, laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
J. H. Baughman
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
J. D. Cox
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
J. O. Evans
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
J. C. Hutcherson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Shelby Martin
A. M. Mercer
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
Chas. N. McCarty
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
R. R. Rogers
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
W. S. Wallen
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve o'clock M. having arrived, the House recessed until one o'clock P. M.

At the hour of one o'clock P. M. the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 429. An Act appropriating the sum of Twelve Thousand, Five Hundred Dollars ($12,500) for use by the Custodian of Public Buildings for the payment of salaries of such employees whose compensation has not been provided for in the regular annual budget allowance, but who have rendered, or may render, services in or upon the State Capitol, Governor's Mansion, and other public property.

Said bill is as follows, viz.:

Be it encated by the General Assembly of the Commonwealth of Kentucky:

That the sum of twelve thousand five hundred dollars ($12,500) is hereby appropriated out of the State Treasury, or so much thereof as may be necessary, for the purpose of paying the salaries of the employees of the state who have rendered, or may render, services in or upon the state capitol, Governor's mansion, and other public property in connection therewith. The said salaries to be paid out of the sum hereby appropriated shall be fixed by the Governor and said employees may be employed or selected by him for said purpose. The Custodian for Public Buildings shall make requisition on the State Auditor showing the amount necessary to meet the salaries of those employed under this act and the Auditor shall, when said requisition is approved by the Governor, draw his warrant upon the Treasurer to cover same. Said

warrant shall be made payable to said Custodian for Public Buildings and the amount thereof shall be distributed by him by check, to be countersigned by the Governor, to the various employees who are entitled thereto.

Whereas, the work to be done in and upon the state capital is of great importance and demands immediate attention and, whereas some of said work has already been performed and the employees are entitled to their wages, an emergency is therefore declared to exist and this law shall take effect immediately upon its passage by the General Assembly and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	R. E. Glenn	Oscar Leibson
C. H. Berryman	F. A. Gnau	W. W. Leslie
D. F. Brown	Whitsett Hall	Leon P. Lewis
F. W. Bryant	Lawrence Harmon	J. L. Manning
J. R. Buckman	C. W. Hawkins	Shelby Martin
W. G. Buckner	J. M. Hayse	A. M. Mercer
W. A. Carson	Goebel B. Henson	H. J. Meyers
C. B. Carver	S. K. Holland	H. H. Miller
Lee Clark	E. M. Johnson	T. R. Moore
J. D. Cox	Grover C. Johnson	B. T. Morris
J. S. Cruse	W. W. Johnson	L. P. Murphy
W. J. Curtis	D. C. Jones	J. L. McDavid
J. L. Cushing	Mrs. H. G. Jorris	W. J. McGill
C. L. Daly	W. O. Keller	F. T. Nichols
J. R. Dorman	J. R. Kelly	Smith Park
Otto C. Gartin	Thos. H. King	Geo. W. Potter

W. H. Pryor	C. W. Ryans	J. G. Swearengin
R. R. Rogers	M. G. Slusher	W. S. Wallen
Philip J. Ryan	Frank L. Strange	T. B. Watts

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Those who voted in the negative were—

W. B. Ardery	J. F. Harrison	Jas. J. Peters
W. O. Bach	H. M. Holbrook	Chas. L. Seale
J. H. Baughman	H. B. Holland	Mac Swinford
Fred H. Coots	Ira L. Horne	J. L. Valandingham
E. J. Doss	J. C. Hutcherson	Chiles Van Antwerp
D. E. Edwards	Chas. N. McCarty	
D. W. Fowler	J. J. Patterson	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 251. An Act relating to the fiscal administration of the common schools in each of the counties of the Commonwealth by the county board of education; providing for a uniform budget system for the administration of the fiscal affairs of the common schools in each of the counties of the commonwealth, prescribing the duties of the county superintendent, the county treasurer, county court clerk, county tax commissioner, county attorney and other officers with reference thereto; repealing sections 8 and 9 chapter 36, Acts of 1920, session of General Assembly of the Commonwealth of Kentucky, and amending and re-enacting sections 2 and 3 of chapter 39 of the Acts of the General Assembly of 1922, approved

March 22, 1922; providing for the compensation of the treasurer and the designation by the county board of education of depositories for school funds and the fixing of interest rates to be charged on deposits; and providing for penalties for the violation of any of the provisions of this act.

Said bill is as follows, viz.:

Be it enacted by the Generl Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal affairs of the common schools of each county of the Commonwealth of Kentucky shall be administered by the county board of education under a uniform budget system. The school budgets shall provide for all the funds to be expended by the county board of education from current revenues for each fiscal year.

All school funds from whatever source received shall be appropriated and accounted for under the provisions of this act.

§ 2. In the classification of expenditures for common school purposes each separate activity of the county board of education for which county funds are to be expended by the county board of education shall be construed to constitute a separate budget unit. If any budget unit includes more than one class of expenditures the said budget unit shall be subdivided into budget funds so that the cost of each separate class of expenditures for common schools can be ascertained. The funds set apart in the school budget for a budget unit, or any subdivision thereof, shall be construed to constitute a separate budget fund, and shall be appropriated and accounted for separately.

It shall be the duty of the State Superintendent of Public Instruction to furnish to each county superintendent the form of a properly drawn school budget provided for under the provisions of this act; and the forms of the school budgets so furnished each of the county superintendents shall be uni-

form. The Superintendent of Public Instruction is given the power and authority to approve all common school budgets as to form and arrangements of budget units and all subdivisions thereof for the sole and exclusive purpose of establishing and maintaining in the common schools of each county of the Commonwealth a uniform budget system, so that the costs of each separate activity of the county board of education in the maintenance of the common schools of the county can be ascertained for the information of the people of the state.

The school budget shall provide for the following funds: (1) "General Expense Fund" out of which the emergency expenses of the county board of education may be paid. (2) "Sinking Fund" out of which the bonded indebtedness of the county board of education can be paid if such indebtedness has been incurred by the board; and, "Sinking Fund to Pay Floating Indebtedness," out of which any floating indebtedness of the county board of education shall be paid; and, "Interest Fund" for the payment of the interest on all interest-bearing school warrants.

§ 3. The county board of education shall have the school budget prepared, and they shall file said school budget, together with an itemized county levy to raise each separate budget fund provided for in the school budget in the office of the county court clerk not less than thirty days nor more than thirty-five days prior to the time fixed by the fiscal court to make the county levy for the next fiscal year.

The county board of education in the preparation of the school budget shall use the forms of the school budget furnished to them by the Superintendent of Public Instruction, and the county board of education shall have no power or authority to make any change in the form of the school budget so furnished to them by the Superintendent of Public Instruction.

The county board of education may adjourn from time to time until the school budget has been completed, and may hold

such hearings as they may deem necessary in the preparation of the school budget.

The county board of education shall also prepare and file with the fiscal court on the first day of the term at which the school budget and itemized county levy is to be considered by the fiscal court, a written statement explaining their reasons for providing the budget funds contained in the school budget, together with all data and records showing the resources of the county and the needs of the common schools, considered by them in the preparation of the school budget for the information of the fiscal court and the people of the county.

§ 4. The county court clerk shall immediately upon the filing in his office of the school budget and itemized county levy by the county board of education endorse the same filed in his official capacity, and shall thereupon immediately record the same upon the fiscal court order book. The county court clerk shall immediately make two copies of the school budget and one copy of the itemized county levy, and cause a certified copy of the school budget together with the itemized county levy to be printed in a newspaper published in the county once a week for a period of two weeks, before the time fixed to adopt a school budget and a county levy for school purposes for the next fiscal year for the information of the people of the county. If no newspaper is published in the county the county court clerk shall cause same to be printed in a newspaper having general circulation of the county, and by posting typewritten or printed copies thereof on the court house door and at least five other places in the county for a period of two weeks prior to the time the school budget is to be adopted and the county levy is to be made.

The school budget and the county levy to raise the funds provided for therein shall be adopted at the same term of the fiscal court at which the county budget is adopted, and the county levy is made to raise the funds provided for in the county budget.

§ 4. The county board of education shall hold a meeting at their office at the county seat at the same time the fiscal court of the county is required to adopt the school budget and make the county levy to raise the funds provided for therein. It shall be the duty of the county superintendent and the members of the county board of education, if required by the fiscal court of the county, to appear before the fiscal court and explain in detail any budget fund or funds contained in the school budget for the information of the fiscal court; and the county board of education shall have the power at such meeting to make any necessary changes they may deem necessary in any budget fund or funds contained in the school budget after the same has been considered by the fiscal court in a joint meeting of the county board of education and the fiscal court of the county; provided, however, it shall be the duty of the fiscal court to adopt the school budget as finally submitted to them, together with the itemized school budget as finally submitted to them by the county board of education and it shall be the duty of the fiscal court to make the levy therein recommended and demanded upon all taxable property subject to state taxation in said county, exclusive of property in graded school districts and cities and towns, maintaining a separate and distinct system of common schools.

(2) It shall be the duty of the county tax commissioner of each county, upon blanks furnished to him by the State Tax Commission, in making the assessments for the county, to show on each assessment the property subject to taxation under the provisions of this act, and it shall be the duty of the county court clerk after Tax Commission has made out and completed the tax assessor's books of the county, to certify to the county superintendent the total assessed valuation of property in the county subject to taxation under the provisions of this act. Upon receipt of such certificate from the county court clerk, it shall be the duty of the county board of education to use the same in the preparation of the school budget as provided for under the provisions of this act.

(3) The school budget as required by this act shall show the amount of money needed for supplementing teachers' salaries, for permanent improvements, repairs, furniture, and the maintenance and support of schools during the succeeding school year and also the estimated total amount that will be received from the state and the amount that will be needed to be raised by local taxation, which in no event shall be less than twenty-five cents nor more than fifty cents on each one hundred dollars' worth of taxable property in the territory affected by this act.

(4) At the time that the fiscal court makes the ad valorem levy demanded by the county board of education, it shall also impose upon all legal male voters residing in the territory affected by the said ad valorem tax, a capitation tax not exceeding one dollar each. It shall be the duty of the sheriff of the county in the same manner and at the same time he collects other state and county revenues, to collect the tax imposed under the provisions of this act and after deducting his commission for same as now allowed by law he shall pay same to the county treasurer, who by virtue of his office is ex-officio treasurer for the county board of education. Provided, however, the commission allowed the sheriff for the collecting of said tax shall not exceed one per cent of the total school tax collected.

(5) For the purpose of determining the sheriff's commission for collecting the tax provided for in this act, the tax so collected, together with the state and county revenues collected by the sheriff, shall be treated as one fund, and the sheriff shall deduct from the taxes collected under the provisions of this act his commission for collecting the same, which shall be in proportion to his entire commission on the combined funds referred to herein as the school taxes collected bear to all the taxes collected by him. The county board of education, by an order entered of record on its minute books may require the sheriff to make monthly settlements of taxes collected under the provisions of this act. The fiscal

court shall annually make a settlement with the sheriff for the taxes collected under the provisions of this act in the same manner as now provided for by law for the settlement of state and county taxes and a copy of said settlement must be filed with the county board of education. The money collected by taxation under the provisions of this act shall be appropriated and expended by the county board of education in accordance with the provisions of this act. The money raised by the levy under the provisions of this section shall be expended in strict accordance with the school budget.

(6) The county superintendent and the county board of education shall make reports required by the Superintendent of Public Instruction or State Board of Education at such times, and upon such items, and in such forms and on such blanks that may be prescribed by the State Board of Education and the State Superintendent of Public Instruction.

(7) The county court clerk shall also transmit a certified copy of the school budget to the Superintendent of Public Instruction for his approval at the same time he causes a copy thereof to be printed, and if approved in form the Superintendent of Public Instruction shall so advise the county court clerk, and if upon examination, the Superintendent of Public Instruction finds the school budget is not in proper form he shall rearrange the budget units and subdivisions thereof so that the burget will be in conformity with the provisions of this act and shall transmit the same to the county court clerk of the county from which said school budget was received.

§ 5. The county board of education shall appropriate and account for each budget fund contained in the school budget, separately, and all appropriations shall designate the budget fund from which the appropriation is to be paid.

The county board of education shall at its first meeting in each fiscal year enter an order on its minute book appropriating the entire budget fund set apart to pay interest on interest-bearing school warrants on a certificate of the treasurer

as same become due and payable. The county court clerk shall issue a separate school warrant for the accrued interest on each separate interest-bearing school warrant.

§ 6. The county court clerk shall by virtue of his office be the clerk of the county board of education and shall be the custodian of its minute books and school warrant books. The county court clerk shall keep in his office a record book of the county board of education to be known as the "School Claim Book."

All persons, firms or corporations having claim against the county board of education, except for claims for interest or principal on bonded indebtedness shall make off proof of their claims against the county board of education, attaching thereto an itemized statement of the claim or incorporating therein an itemized statement thereof, and setting forth the consideration the county has received and the manner in which the county board of education and the county is liable for the claim. Said proof of claim shall be signed and sworn to by the person making same or his or her duly authorized agent. The claim properly proven shall be filed with the clerk of the county court, and the clerk shall endorse thereon the date of filing same, and shall thereupon record said claim in the school claim book and properly index the same. All claims shall be numbered by the clerk consecutively in the order in which they are filed. The number of the claim shall be recorded with the claim as a part thereof.

The county board of education shall have no power to allow any claim for a period of thirty days from the date of the filing of the claim in the county court clerk's office, with the exception of claim for salary of teachers, county superintendent and his assistants, other employees or county officers for services rendered to the county board of education per diem and expenses of members of county board of education and claims going on written contracts.

It shall be the duty of the county court clerk to call the attention of the county attorney to the filing of claims against

the county board of education in his office, and the county attorney is required as a part of the duties of his office to examine each of the claims so filed, and to file exceptions to any and all claims which are not valid obligations against the county.

§ 7. The county treasurer shall by virtue of his office be the exclusive custodian of all county school funds from whatsoever source they may be received. He shall also be the exclusive checking agent of the county as to all school funds and no bank or trust company in which county school funds are deposited shall honor a check on county school funds unless the same is signed by the county treasurer in his official capacity. All county school funds shall be deposited in bank in the name of "..... County Board of Education," subject to be checked out by the county treasurer.

The county treasurer shall keep a set of books of accounts of financial transactions of the county board of education to be provided for under the provisions of the uniform accounting law of this state providing for uniform accounting in state and county government.

The county treasurer shall at the beginning of each fiscal school year credit on the budget ledger kept by him each budget fund provided for in the school budget for that fiscal year, and he shall account for each budget fund separately.

The county treasurer shall at each regular and special meeting of the county board of education, with the exception of the first meeting thereof in each fiscal year file with said board on the first day of said meeting a financial statement as appears from his budget ledger showing the balance in each budget fund as appears from his budget ledger. This financial statement shall be signed by the county treasurer in his official capacity, and said statement shall be recorded upon its minute book as a part of the proceedings of said meeting at which said statement is filed.

§ 8. The county treasurer shall sign all county school warrants issued by the county court clerk and enter the war-

rant on his budget ledger as a charge against the budget fund out of which the warrant is payable, if there is a sufficient balance in said budget fund out of which said warrant is payable to pay the same. No county school warrant issued by the county court clerk shall be valid unless signed by the county treasurer as provided for under the provisions of this act.

§ 9. The county court clerk shall immediately after the adjournment of any regular or special meeting of the county board of education issue county school warrants to cover all appropriations made by the county board of education to the persons named in said appropriations. The county court clerk shall designate in said county school warrant the budget fund from which the warrant is payable, together with the number of the claim and the page of the claim book in which same is recorded, if the appropriation is for a claim required to be recorded. At the time the county court clerk issues county school warrants on appropriations made by the county board of education he shall enter on the margin of claim, for which the appropriation was made, on the claim book where same is recorded, if a recordable claim, the date of the county school warrant, serial number, to whom issued, and amount thereof, issued in payment of the claim.

A county school warrant shall not be construed to be legally issued until the warrant has been signed by the county treasurer. After the county court clerk has issued all county school warrants he has been directed to issue by appropriation by the county board of education, he shall then immediately deliver his county school warrant book to the county treasurer.

§ 10. The county treasurer shall, upon the delivery to him by the county clerk of the county school warrant book, verify each county school warrant issued by the county court clerk by checking the warrant with the claim and appropriation.

The county school warrant shall have printed thereon in the proper place the following: "Approved and entered .....

....., County Treasurer," and the county treasurer shall sign each warrant when he has determined that there is sufficient funds in the budget fund out of which it is payable and shall then charge said warrant to the budget fund out of which it is payable. The county treasurer shall show by his entry on his budget ledger of warrants as a charge against budget funds the date of the warrant, serial number, to whom issued and the amount thereof, and said budget ledger shall be prepared in form to meet these requirements.

If the county treasurer finds upon examination of his ledger that the balance in any budget fund or funds is insufficient to pay any county school warrant or warrants, issued by the county court clerk he shall refuse to sign said warrant or warrants and endorse across the face of each of said warrants in red ink the following: "Void for want of funds," and sign said endorsement in his official capacity.

The county treasurer shall be liable on his official bond for the amount of any county school warrant approved and signed by him as provided for in this act, if there is insufficient funds in the budget fund out which said warrant is payable, to pay the same.

The county treasurer shall return the county school warrant book to the county court clerk after he has signed and entered the county school warrants issued by the clerk, or mark the warrant or warrants so issued void as provided for under the provisions of this act.

The county court clerk shall upon demand after the county school warrant book has been returned to him by the county treasurer deliver the school warrants to the persons entitled to receive them.

§ 11. The county treasurer shall issue his check in payment of all county school warrants presented for payment, if, at the time such warrant is presented for payment, he has sufficient money on hand belonging to the budget fund out of which the warrant is payable.

If the county treasurer should have insufficient funds on hand, belonging to any budget fund out of which county school warrants are payable, at the time the county school warrant is presented for payment he shall fill in the following which shall be printed on all county school warrants in the proper place, to-wit: "Due and payable on or before ..... day of ....19..... with interest at five per cent. per annum from this date until paid. Negotiable and payable at ..... Kentucky. Subject to call for payment on notice. This ..... day of .....19..... ..... County Treasurer." All county school warrants to be payable at the office of the county treasurer or such depository at the county seat as may be provided for by the county treasurer, when he fills in said blanks and makes the county school warrant interest-bearing at the rate of five per cent. per annum from date said warrant was made interest-bearing until paid.

The due date in each interest-bearing county school warrant shall be fixed by the county treasurer from his knowledge of the accrual of current revenues for the fiscal year, and if to be paid from funds derived from other sources, from his knowledge when said funds may be expected to be received by him.

§ 12. The county treasurer shall keep in his office a record book to be known as the "Interest Bearing School Warrant Record," which record shall be provided for under the provisions of the uniform accounting law of the state. The county treasurer shall enter all interest bearing school warrants upon this record before they are delivered to the person entitled thereto, and shall be entered upon said record under a heading which shows the budget fund from which the school warrants so entered are payable. The record shall show the date of each county warrant so entered, serial number, amount, and to whom payable, and the due date of the warrant. As interest-bearing school warrants are paid by the county treasurer, each warrant so paid shall be stamped "paid" by the county treasurer with a stamp that cuts holes through the warrant in

stamping the word "paid" thereon; and the county treasurer shall thereupon enter on said record the date of payment of the school warrant, to whom paid and the amount paid. He shall stamp "paid" school warrants paid by him, that have not been made interest-bearing the same as interest bearing school warrants and all said warrants so stamped "paid" shall be filed as a part of the records of his office.

§ 13. If interest bearing county school warrants become due and payable before the county treasurer has sufficient funds in his hands belonging to the budget fund or funds out of which such warrants are payable, he shall certify said fact to the county court clerk. Said certificate of the county treasurer to the county clerk may include as many interest-bearing school warrants as the county treasurer is going to be unable to pay at maturity, and said certificate shall give the date, serial number, amount, to whom issued, and to whom payable if the school warrant has been transferred, together with the amount of interest due on each separate school warrant. This certificate shall be signed by the county treasurer in his official capacity.

The county court clerk shall immediately upon the filing of said certificate of the county treasurer in his office endorse the date of filing thereon and sign said endorsement in his official capacity. The county court clerk shall number said certificate, as claims are required to be numbered and record the same upon the school claim book and properly index the same.

The county court clerk shall issue renewal warrants as of the date the warrants renewed are due and payable, and said renewal warrants shall be payable out of the same budget fund that the warrant of which it is a renewal was payable and the budget fund shall be designated in the face of the renewal warrant. The county court clerk shall issue said renewal warrant from the same warrant book, from which the original warrant renewal was issued, and shall endorse thereon the following: "Renewal of school warrant No.——."

All interest-bearing school warrants renewed under the provisions of this act shall be surrendered to the county treasurer before he delivers the renewal warrant to the person entitled thereto, and said interest-bearing school warrant so renewed shall be stamped by the county treasurer with the word "renewed" that cuts holes through the warrant, and the warrant so renewed shall be filed as a part of the records of his office.

The county court clerk shall issue the renewal warrant to the person entitled thereto as shown by the certificate of the county treasurer. The county court clerk shall issue school warrants for each separate interest item due and payable as shown by the certificate of the county treasurer to the person entitled thereto. A school warrant for interest shall only include interest on one warrant. The interest warrant shall be payable out of the budget fund known as the "interest fund," and the county court clerk shall designate in each warrant the interest that is payable out of the interest fund.

The county court clerk shall deliver the county warrant book to the county treasurer after he has issued the warrants required by the certificate of the county treasurer as aforesaid; and the county treasurer shall sign said warrants, and fill in due dates and the place where payable and sign the form provided therefor to make it interest bearing.

He shall draw his check in payment of the interest warrants, if he has sufficient funds on hand belonging to the budget fund known as the interest fund, from which to pay said warrants for interest, and if he does not have sufficient funds to pay said warrant, for interest, he shall make them interest bearing, as other school warrants are made interest bearing.

§ 14. All school warrants issued under the provisions of this act shall be subject to call for payment by the county treasurer, when he has sufficient funds on hand in any budget fund to pay outstanding school warrants issued and charged to that budget fund or funds. The county treasurer shall make a call for payment of interest-bearing school warrants by serial number in the order in which they were issued, which

interest-bearing warrants, in the aggregate, do not exceed the amount of money on hand in the budget fund, from which the warrant or warrants called for payment, are payable. The call of the county treasurer shall be printed in a newspaper published in the county once a week for a period of two weeks or by giving the holders of the warrants he desires to pay a written notice of the call, in his discretion. No interest-bearing school warrant, so called for payment, shall bear interest after the expiration of ten days, after publication of said notice, or said written notice has been given to the holder or holders of said warrants.

§ 15. The county treasurer shall, upon receiving county revenues from the sheriff, or tax collector, for the county, distribute the money so received to the proper budget funds. The money received by the county treasurer from other sources for school purposes shall also be distributed to the proper budget funds. This record book of the county treasurer shall be provided for under the provisions of the uniform accounting law of the state.

§ 16. All contracts of the county board of education entered into for and on behalf of the county for the expenditure of county school funds provided for in the school budget, shall contain a provision that the contract shall not be deemed an obligation of the county to pay the sums stipulated in the contract, until the contract has been submitted to the county treasurer, so that the county treasurer can determine from his budget ledger whether the sums to be expended under the contract are within the budget fund out of which it is payable. If the county treasurer determines from an examination of his budget ledger, that the sum proposed to be expended under the contract, is within the budget fund out of which it is payable, then he shall enter the sum, to be expended under said contract, on his budget ledger as a charge against the budget fund out of which it is to be paid; and shall thereupon attach a certificate to said contract, showing that the sum proposed to be expended is within the budget fund from which it

is to be paid and that said contracts have been entered upon his budget ledger. Said certificates shall be signed by the county treasurer in his official capacity.

If the budget fund, out of which the sum is to be expended under the contract, be insufficient to pay the sum proposed to be expended under the contract, the county treasurer shall refuse to sign said certificate, and shall write across the face of the contract in red ink the following: "Void for want of funds," and sign said endorsement in his official capacity.

§ 17. At the close of each fiscal year the county board of education shall use any surplus fund or funds remaining in any budget fund paid the deficits, if any, in any budget fund or funds.

All deficits remaining in the budget fund, if any, after the surplus had been applied thereto, shall be carried over into the next fiscal year, and provided for in the school budget for the next fiscal year.

The deficits referred to in this section shall be construed to be a deficit in the budget fund or funds caused by the failure of current revenues to raise the budget fund, or funds, in which said deficit may occur.

§ 18. All books, receipts, blanks, records, county school warrants books, and forms, required to be used by the county treasurer, county court clerk or other officials in the administration of the common schools of the county under the provisions of this act, shall be formulated under the provisions of the uniform accounting law and other laws of the Commonwealth, and shall be provided for the officials required to administer the fiscal affairs of the common schools of the county under this act, and shall be uniform in each county of the Commonwealth.

It shall be the duty of the State Inspector and Examiner to install in each county of the Commonwealth a uniform system of accounting and bookkeeping in the administration of the fiscal affairs of the common schools of the county.

§ 19. The county treasurer shall within sixty (60) days after the close of each fiscal school year, make off a financial statement as of June 30th, showing in detail receipts and disbursements of the county school funds, received from all sources, and in said statement to account for each budget fund separately. The county treasurer shall file a copy of said statement with the Division of Inspection and Accounting of the State Department of Education, another copy with the State Inspector and Examiner, and another copy with the county court clerk of the county. The statement filed with the county court clerk shall be recorded on the minute book of the county board of education by the clerk and properly indexed.

A copy of the said financial statement of the county treasurer issued at the close of each fiscal year shall be published in full by the county treasurer one time in a county newspaper published in the county, and if no newspaper is publised in the county then by posting typewritten copies thereof at the court house door and at five other public places in the county. The cost of said publication shall be paid by the county board of education as other claims are paid.

§ 20. It shall be the duty of the county board of education of each county within sixty (60) days after this act takes effect to enter an order or orders on the minute book of the county board of education designating one or more banks or trust companies, as depositories for county school funds, from whatever source received, and the county treasurer, as ex-officio treasurer of the county board of education, shall be required to deposit all school funds in the depository or depositories so designated by said order or orders by the county board of education. The county board of education shall enter into an agreement with said depository, or depositories, so designated, for the payment of interest on school funds on deposit, on daily balances, and said interest rates shall not be less than two (2%) per cent on daily balances. The depository shall credit interest to the school fund every four months

and shall send deposit slips to the county treasurer showing said credits. The county board of education shall require the county treasurer to execute, with approved security, the bonds now required by law to be executed by the county treasurer, and shall perform the duties now imposed and that may be hereinafter imposed upon him as treasurer.

§ 21. The county board of education shall after the teachers have been employed by contract as required by law enter an order of appropriation of their said salary, subject, however, to the failure of school funds to meet the salary named in the contract of employment, and subject to their discharge of cause, with direction in the order of appropriation for the clerk of the county court to issue warrants against the appropriation upon certificates signed by the superintendent of common schools of the county as to amount due under their contract of employment. The certificate of the county superintendent shall be filed by the clerk and numbered as other claims are required to be numbered and recorded in the school claim book and properly indexed.

§ 22. That section 2a of chapter 39, Acts of 1922, session of the General Assembly of the Commonwealth of Kentucky, be and the same is repealed and re-enacted, and as re-enacted shall read as follows:

The county board of education so elected shall have the same power, authority and jurisdiction now conferred by law on county boards of education.

§ 23. That section 3 of chapter 39, Acts of 1922, session of the General Assembly of the Commonwealth of Kentucky, be and the same is repealed, and re-enacted, and as re-enacted shall read as follows:

All funds and securities due and belonging to the county board of education for the use of the public schools of the county districts or of any sub-district thereof, shall go into the hands of the county treasurer ex-officio treasurer of the county board of education, who shall, together with his sure-

ties, be responsible therefor; and he shall pay out said funds as provided for under the provisions of this act.

§ 24. The county board of education shall fix a reasonable compensation for the county treasurer to be allowed and paid out of the school funds; they shall also fix a reasonable compensation for the services of the county court clerk to be allowed and paid out of the school funds.

§ 25. That sections 8 and 9 of chapter 36, Acts of 1920, of the General Assembly of the Commonwealth of Kentucky, be and each of said sections are hereby repealed.

§ 26. Any appropriation by the county board of education in excess of any budget fund shall be illegal and void, and all members of said county board of education voting for such illegal apropriation shall be deemed guilty of violation of the provisions of this act.

§ 27. Any officer or officers violating any of the provisions of this act shall be deemed guilty of a misdemeanor and subject to indictment, and upon conviction, be fined in any sum not less than fifty ($50.00) dollars, nor more than five hundred ($500.00) dollars, for each offense.

§ 28. If any section, provision, paragraph or clause of this act shall be declared unconstitutional, the invalidity of such section, provision, paragraph or clause, shall not affect the remaining sections, provisions, paragraphs or clauses of this act; and it is declared to be the legislative intent to enact each clause, paragraph, provision and section of this act, separately.

§ 29. The county board of education of any county of this Commonwealth, may in their discretion, in lieu of issuing interest-bearing county school warrants as provided for under the provisions of this Act, anticipate the revenues for the current year and borrow money upon the faith thereof. If the county board of education elects to borrow money in anticipation of current revenues under the provisions of this section, the county board of education shall enter an order upon the order book of said county board of education author-

izing the chairman and county treasurer to negotiate said loan or loans, on the best terms possible and not in excess of six (6%) per cent per annum, and shall authorize the chairman of the county board of education to execute a note or notes of the county board of education, to be signed by the chairman of said board in his official capacity, for the purpose of borrowing said sum or sums of money which is authorized by said orders of the county board of education. The note or notes so executed by the chairman of the county board of education shall be negotiable and shall designate the budget fund from which the note or notes are payable. Said note or notes so issued may be renewed by the county board of education, if there is insufficient money belonging to the budget fund on hand from which the notes are payable when they become due and payable. The county board of education may issue notes against one or more budget funds in anticipation of revenue for the current year, but no money shall be borrowed as against school funds coming from the Commonwealth.

All notes so issued by the county board of education shall be countersigned by the county treasurer, and shall be charged on the budget ledger by the county treasurer aganist the budget fund from which they are payable, and no obligation of the county board of education issued under the provisions of this section shall be valid if in excess of the budget fund from which it is payable, and shall not be a valid obligation of the county board of education unless countersigned by the county treasurer. The signature of the county treasurer on an obligation issued under the provisions of this section shall be construed to be his certificate that the obligation is within the budget fund for the current year from which it is payable, and that the note has been charged against the budget fund on his ledger out of which it is payable.

§ 30. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Wallen offered the following Amendment to said bill, viz.:

Amend S. B. 251, in House by adding after section 28, the following:

Section 28½. The County Board of Education of any county in the Commonwealth, may in its discretion, in lieu of issue interest-bearing county school warrants as provided for under the provisions of this act, anticipate the revenues for the current year and borrow money upon the faith thereof. If the County Board of Education of any county elects to borrow money in anticipation of current revenues under the provisions of this section, the County Board of Education shall enter an order upon the minute book or order book of said County Board of Education authorizing the chairman of said County Board of Education and the county treasurer to negotiate said loan or loans, on the best terms possible not in excess of six (6%) per cent per annum, and shall authorize the chairman of the County Board of Education to execute a note or notes of the County Board of Education, to be signed by the chairman of said board in his official capacity, for the purpose of borrowing said sum or sums which is authorized by said order or orders of the county board of education. The notes so executed by the chairman of the county board of education shall be negotiable and shall designate the budget fund from which they are payable. Said note or notes may be renewed by the county board of education, if there is insufficient money belonging to the budget fund on hand from which the note or notes are payable, when they become due and payable. The county board of education may issue notes against one or more budget funds, in their discretion, in anticipation of current revenues for the current year.

All notes so issued by the county board of education shall be charged on the budget ledger by the county treasurer against the budget fund from which they are payable, and no obligation of the county board of education issued under this section shall be valid if in excess of the budget fund from which it is payable, and shall not be a valid obligation of the county board of education unless countersigned by the county

treasurer. The signature of the county treasurer on an obligation issued under this section shall be construed to be his certificate that the obligation is within the budget fund for the current year from which it is payable, and the note has been charged against the budget fund on his budget ledger of which it is payable.

Said Amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	A. M. Mercer
W. B. Ardery	Otto C. Gartin	H. H. Miller
Wm. J. Arvin	R. E. Glenn	T. R. Moore
W. O. Bach	F. A. Gnau	B. T. Morris
J. H. Baughman	Whitsett Hall	L. P. Murphy
T. H. Benton	Lawrence Harmon	Chas. N. McCarty
C. H. Berryman	C. W. Hawkins	J. L. McDavid
D. F. Brown	J. M. Hayse	W. J. McGill
Geo. A. Brown	Goebel B. Henson	F. T. Nichols
J. R. Buckman	H. M. Holbrook	Caleb Page
W. G. Buckner	H. B. Holland	Smith Park
S. J. Bunger	S. K. Holland	J. J. Patterson
W. A. Carson	Grover C. Johnson	Jas. J. Peters
C. B. Carver	W. W. Johnson	Geo. W. Potter
Lee Clark	D. C. Jones	W. H. Pryor
J. D. Cox	Mrs. H. G. Jorris	H. A. Pulliam
J. S. Cruse	W. O. Keller	C. W. Ryans
W. J. Curtis	J. R. Kelly	E. J. Snyder
C. L. Daly	Thos. H. King	J. G. Swearengin
J. R. Dorman	Oscar Leibson	Chiles Van Antwerp
E. J. Doss	W. W. Leslie	W. S. Wallen
D. E. Edwards	Leon P. Lewis	T. B. Watts
J. O. Evans	J. L. Manning	—68

There voted in the negative—

Ira L. Horne —1

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 96. An Act authorizing the Clark County Construction Company, a corporation, created and existing under the laws of Kentucky, to sue the State of Kentucky and the State Highway Commission of the State of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Clark County Construction Company be authorized to bring and prosecute a suit in the Franklin county circuit court against the Commonwealth of Kentucky and the State Highway Commission and the members thereof, and the State Highway Engineer, as such, under the style of the Clark County Construction Company against the State Highway Commission and said engineer, in order to settle said controversy, and to determine whether or not there is due and unpaid to the said construction company any further sum growing out of said contract.

§ 2. Either party to said suit may appeal from any judgment which may be rendered therein by the Franklin circuit

court to the Court of Appeals, and the case may be settled and adjusted, with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	Thos. H. King
W. B. Ardery	D. E. Edwards	W. W. Leslie
Wm. J. Arvin	J. O. Evans	Leon P. Lewis
W. O. Bach	D. W. Fowler	J. L. Manning
J. H. Baughman	Otto C. Gartin	Shelby Martin
T. H. Benton	R. E. Glenn	A. M. Mercer
Shaler Berry	F. A. Gnau	H. J. Meyers
C. H. Berryman	Whitsett Hall	H. H. Miller
D. F. Brown	Lawrence Harmon	B. T. Morris
Geo. A. Brown	J. F. Harrison	L. P. Murphy
F. W. Bryant	C. W. Hawkins	Chas. N. McCarty
W. G. Buckner	Goebel B. Henson	J. L. McDavid
S. J. Bunger	H. M. Holbrook	W. J. McGill
W. A. Carson	H. B. Holland	F. T. Nichols
C. B. Carver	Ira L. Horne	Caleb Page
Lonnie Cooper	J. C. Hutcherson	Smith Park
Fred H. Coots	E. M. Johnson	J. J. Patterson
J. D. Cox	Grover C. Johnson	Jas. J. Peters
J. S. Cruse	W. W. Johnson	Geo. W. Potter
W. J. Curtis	D. C. Jones	W. H. Pryor
J. L. Cushing	Mrs. H. G. Jorris	H. A. Pulliam
C. L. Daly	W. O. Keller	R. R. Rogers
J. R. Dorman	J. R. Kelly	Philip J. Ryan

M. G. Slusher	Mac Swinford	C. D. Vincent
E. J. Snyder	J. L. Valandingham	W. S. Wallen
J. G. Swearengin	Chiles Van Antwerp	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 105. An Act to require persons building, repairing or improving property for others to apply money received from the owner to the payment of bills for labor or materials and providing a penalty for the violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any payment shall be made by the owner of any property to any contractor, builder, architect or other person who shall build, repair or improve said property for another, under such circumstances that mechanic's or materialmen's lien may be imposed on said property, said contractor, builder, architect or other person shall from the proceeds of such payment pay to all persons who have furnished material or performed labor on said work, the full amount of said material or labor.

§ 2. If any payment by said owner to said contractor, builder, architect or other person is not great enough to pay in full all such bills for material and labor, then said contrac-

tor, builder, architect or other person shall, from such proceeds, pay said claims pro rata to the amount of the payment or payments made to him, unless otherwise agreed between said contractor, builder, architect or other person and the holder of such claim for material or labor.

§ 3. This act shall not apply in those cases where persons furnishing material or performing labor shall have waived in writing their right to file mechanic's or materialmen's liens on said property.

§ 4. Any person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $50.00 nor more than $1,000.00, or be imprisoned not less than one nor more than twelve months, or both so fined and imprisoned in the discretion of the jury.

§ 5. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. F. Brown	Lee Clark
W. B. Ardery	Geo. A. Brown	Lonnie Cooper
Wm. J. Arvin	F. W. Bryant	Fred H. Coots
W. O. Bach	J. R. Buckman	J. D. Cox
J. H. Baughman	W. G. Buckner	J. S. Cruse
T. H. Benton	S. J. Bunger	W. J. Curtis
C. H. Berryman	C. B. Carver	C. L. Daly

J. R. Dorman	J. C. Hutcherson	Chas. N. McCarty
E. J. Doss	E. M. Johnson	W. J. McGill
D. E. Edwards	Grover C. Johnson	F. T. Nichols
J. O. Evans	W. W. Johnson	Caleb Page
D. W. Fowler	D. C. Jones	Smith Park
Otto C. Gartin	Mrs. H. G. Jorris	J. J. Patterson
R. E. Glenn	W. O. Keller	Geo. W. Potter
F. A. Gnau	J. R. Kelly	W. H. Pryor
Whitsett Hall	Thos. H. King	Clint Raymer
Lawrence Harmon	Oscar Leibson	R. R. Rogers
J. F. Harrison	W. W. Leslie	Philip J. Ryan
C. W. Hawkins	Leon P. Lewis	C. W. Ryans
J. M. Hayse	J. L. Manning	E. J. Snyder
Goebel B. Henson	A. M. Mercer	Frank L. Strange
H. M. Holbrook	H. H. Miller	J. G. Swearengin
H. B. Holland	T. R. Moore	J. L. Valandingham
S. K. Holland	B. T. Morris	W. S. Wallen
Ira L. Horne	L. P. Murphy	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a resolution entitled:

S. Res. 7. Resolution to permit the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, to sue the Commonwealth of Kentucky.

With a Committee Amendment thereto by way of Substitute therefor.

Said Resolution is as follows, viz.:

Whereas, on the 17th day of April, 1923, the Common wealth of Kentucky by its State Highway Commission entered into a contract with the Wilmore Construction Co., that is C. S. Woodard and G. C. Woodward, for the purpose of furnishing and delivering all materials and for doing and performing all the work and labor required in the improvement of a section of the Louisville-Bardstown road in Bullitt, Spencer and Nelson counties, a distance of 8.501 miles, being officially known as state project No. 3, section A, federal aid project No. 86, section A; and

Whereas, on the 17th day of April, 1923, the Commonwealth of Kentucky by its State Highway Commission entered into a contract with the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, for the purpose of furnishing and delivering all materials and for doing and performing all the work and labor required in the improvement of a section of the Louisville-Bardstown road in Nelson county, a distance of 6.333 miles, being officially known as state project No. 3, section B, federal aid project No. 86, section B, in Nelson county; and

Whereas, the said Wilmore Construction Co. has completed both contracts and the said projects have both been accepted and received by the State Highway Commission; and

Whereas, the State Highway Commission and the said Wilmore Construction Co. are unable to agree on the amount due under the final estimate to the Wilmore Construction Co.; and

Whereas, the Wilmore Construction Co. claims that there is due by and under said contracts the sum of seventy-seven thousand two hundred dollars and sixty-eght cents ($77,-200.68) to said company; and

Whereas, the rights and duties arise under and by a contract with the state of Kentucky and it is only justice to permit the matters to be determined by the courts of Ky.; and

Whereas, the State Highway Commission refused to certify and said sum for payment, or any part thereof; and

Whereas, said sum, or any part thereof remains unpaid; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky in the Franklin circuit court for the sum of seventy-seven thousand two hundred dollars and sixty-eight cents ($77,200.68) and any judgment recovered by said company in said suit shall be paid by the Auditor by warrant on the Treasurer, but the judgment shall not exceed the amount named.

Said Substitute as offered by the Committee is as follows, viz.:

Resolution to permit the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, to sue the Commonwealth of Kentucky.

Whereas, on the 17th day of April, 1923, the Commonwealth of Kentucky by its Highway Commission entered into a contract with the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, for the purpose of furnishing and delivering all materials and for doing and performing all the work and labor required in the improvement of a section of the Louisville-Bardstown road in Bullitt, Spencer and Nelson counties, a distance of 8.501 miles, being officially known as State Project No. 3, Section A, Federal Aid Project No. 86, Section A; and

Whereas, on the 17th day of April, 1923, the Commonwealth of Kentucky by its State Highway Commission entered into a contract with the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, for the purpose of furnish-

ing and delivering all materials and for doing and performing all the work and labor required in the improvement of a section of the Louisville-Bardstown road in Nelson County a distance of 6.333 miles, being officially known as State Project No. 3, Section B, Federal Aid Project No. 86, Section B, in Nelson County; and

Whereas, the said Wilmore Construction Co. has completed both contracts and the said projects have both been accepted and received by the State Highway Commission; and,

Whereas, the State Highway Commission and the said Wilmore Construction Co. are unable to agree on the amount due under the final estimate to the Wilmore Construction Co.; now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Wilmore Construction Co., that is, C. S. Woodard and G. C. Woodard, be and they are hereby authorized and permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court, in order to settle said controversy, and to determine whether or not there is due and unpaid to the said Construction Co. any further sum growing out of said contract.

2. Either party to said suit may appeal from any judgment which may be rendered therein by the Franklin Circuit Court, to the Court of Appeals, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as are other civil cases.

Said substitute was adopted.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolu-

tion was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	H. H. Miller
W. B. Ardery	D. W. Fowler	J. S. Milliken
Wm. J. Arvin	Otto C. Gartin	T. R. Moore
W. O. Bach	R. E. Glenn	B. T. Morris
T. H. Benton	F. A. Gnau	Chas. N. McCarty
C. H. Berryman	Lawrence Harmon	W. J. McGill
D. F. Brown	C. W. Hawkins	F. T. Nichols
Geo. A. Brown	J. M. Hayse	Caleb Page
F. W. Bryant	Goebel B. Henson	Smith Park
J. R. Buckman	H. B. Holland	J. J. Patterson
W. G. Buckner	S. K. Holland	Jas. J. Peters
S. J. Bunger	J. C. Hutcherson	Geo. W. Potter
W. A. Carson	Grover C. Johnson	W. H. Pryor
C. B. Carver	W. W. Johnson	Clint Raymer
Lee Clark	Mrs. H. G. Jorris	R. R. Rogers
Lonnie Cooper	W. O. Keller	Philip J. Ryan
Fred H. Coots	J. R. Kelly	C. W. Ryans
J. D. Cox	Thos. H. King	M. G. Slusher
J. S. Cruse	Oscar Leibson	E. J. Snyder
W. J. Curtis	W. W. Leslie	J. G. Swearengin
J. L. Cushing	Leon P. Lewis	Mac Swinford
C. L. Daly	J. L. Manning	J. L. Valandingham
J. R. Dorman	Shelby Martin	Chiles Van Antwerp
E. J. Doss	A. M. Mercer	C. D. Vincent

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a resolution entitled:

S. Res. 30. Joint Resolution to permit W. P. Burke to sue the Commonwealth.

Said resolution is as follows, viz.:

Whereas, in ninteen hundred and twenty, the State Highway Department constructed a public road from Harrodsburg, Mercer County, Kentucky, to Pleasant Hill, Mercer County, Kentucky, which road leads by the property of W. P. Burke; and

Whereas, in the construction of said road it was necessary to change the grade near the property of said Burke and to change the flow of the creek which ran across the said highway at or near the property of said Burke; and

Whereas, in making said change the said Burke alleges and claims that his property was damaged in the sum of four thousand ($4,000.00) dollars; and

Whereas, if such damage was sustained the same should be repaid by the Commonwealth of Kentucky, as the said road was built under the supervision and control of the State Highway Department of the Commonwealth of Kentucmky; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. P. Burke, be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court for the sum of four thousand ($4,000.00) dollars, and in the event any judgment is recovered

by said Burke in said suit, if it is shown that said Burke has sustained said sum, or any part thereof, as damage to his property, same shall be paid by the Auditor by warrant on the Treasurer, but the judgment shall not exceed the amount named herein.

Mr. Lewis offered the following amendment to said resolution, viz.:

Amend S. Res. 30 by striking out all of that part of the resolution on page 2 of the printed resolution, lines 1 to 7 inclusive, and insert in lieu thereof the following:

That W. P. Burke be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court for such damages as he may have suffered, if any, by reason of any injury to his property caused by the construction of the road mentioned herein, and in the event any judgment is recovered by said Burke in said suit as damage to his property, same shall be paid by the Auditor by warrant on the Treasurer, but the judgment shall not exceed the sum of $4,000, and the Commonwealth of Kentucky shall have the right of appeal as in any other civil case.

Said amendment was agreed to.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. A. Gnau	T. R. Moore
W. B. Ardery	Whitsett Hall	B. T. Morris
Wm. J. Arvin	Lawrence Harmon	Chas. N. McCarty
W. O. Bach	C. W. Hawkins	J. L. McDavid
T. H. Benton	J. M. Hayse	W. J. McGill
C. H. Berryman	Goebel B. Henson	Caleb Page
D. F. Brown	H. M. Holbrook	Smith Park
Geo. A. Brown	H. B. Holland	J. J. Patterson
F. W. Bryant	Ira L. Horne	Jas. J. Peters
J. R. Buckman	J. C. Hutcherson	Geo. W. Potter
W. G. Buckner	Grover C. Johnson	W. H. Pryor
S. J. Bunger	W. W. Johnson	R. R. Rogers
C. B. Carver	D. C. Jones	Philip J. Ryan
Lonnie Cooper	Mrs. H. G. Jorris	C. W. Ryans
Fred H. Coots	W. O. Keller	M. G. Slusher
J. D. Cox	Thos. H. King	Frank L. Strange
J. S. Cruse	Oscar Leibson	J. G. Swearengin
J. L. Cushing	W. W. Leslie	Mac Swinford
C. L. Daly	Leon P. Lewis	J. L. Valandingham
E. J. Doss	J. L. Manning	Chiles Van Antwerp
D. E. Edwards	Shelby Martin	C. D. Vincent
J. O. Evans	A. M. Mercer	W. S. Wallen
D. W. Fowler	H. J. Meyers	T. B. Watts
Otto C. Gartin	H. H. Miller	
R. E. Glenn	J. S. Milliken	—73

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 181. An Act to amend and re-enact Chapter 72 of the Acts of the General Assembly of 1922, entitled "An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs, to prevent fraud and misrepresentation in dealing in eggs, to prevent the sale of eggs unfit for human food and to fix penalties for violation of the provisions" by designating methods and means of enforcement and regulation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 72 of the Acts of the General Assembly of 1922, approved March 23, 1922, be amended and re-enacted so as to read as follows:

§ 1. No person, firm or corporation shall sell, offer or expose for sale, or have in his possession, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it can not be used for human food. For the purpose of this Act, an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance.

§ 2. Between May 15th of each year and January 15th of the following year, no person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 1 of this Act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and said person, firm or corporation shall keep such candling records as may be required by the rules and regulations. All such records shall be open at all times reasonable for examination by the State Board of Health, or its official representative.

§ 3. The term, "candling," as used herein, shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, covered by an opaque container or shield having not more than two apertures, each aperture not to exceed one and one-quarter inch in diameter nor be less than one-half inch in diameter, before which eggs may and shall be rotated in order that the interior quality of each egg may be accurately determined. Every person, firm or corporation engaged in the business of buying eggs in this state for re-sale or consignment, shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

§ 4. Thirty days after this Act takes effect, and on or before the first day of April annually thereafter, no person, firm or corporation shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who buy direct from certified dealers only and who do not sell in lots greater than five cases, without first obtaining from the State Board of Health a certificate to conduct such business. Said board, upon receipt of proper application upon forms such as may be prescribed, accompanied by an annual fee of two dollars, ($2.00), shall thereupon issue to such persons, firms or corporations that shall engage in the business of buying, selling, dealing in or trading in eggs in lots of less than one carload an annual certificate to engage in such business; and said board, upon receipt of a proper application upon forms such as may be prescribed, accompanied by a fee of ten dollars ($10.00), shall thereupon issue to such persons, firms or corporations that shall engage in the business of buying, selling, dealing in or trading in eggs in lots of one carload or more, an annual certificate to engage in such business. Provided, that any person, firm or corporation operating more than one place of business where eggs are bought, shall procure a certificate for each such place of business.

All such certificates shall expire at the close of business on March 31st of each year. All fees collected under this act shall be paid into the State Treasury and kept as a separate fund and used for paying the expenses of the administration and enforcement of this act and shall be accounted for as required by law for other funds and expenses of the board.

§ 5. The State Board of Health shall enforce the provisions of this Act and shall make suitable rules and regulations for carrying out its provisions. These regulations shall also determine the conditions under which eggs previously candled shall be re-candled before sale, in order to safeguard the purchaser against buying such eggs as are unfit for human food, which may be contained in such lots.

§ 6. Any person, firm or corporation failing to comply with the requirements of, or violating any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than $10.00 nor more than $50.00, for the first offense; and not less than $25.00 or more than $50.00 for each subsequent offense and his certificate may also be revoked by order of the court upon conviction of a third or subsequent offense. Should any person, firm or corporation be convicted of buying or trading in eggs after the date on which his certificate was ordered to be revoked, the offender shall be punished by a fine of one hundred dollars for each offense.

§ 7. The words used in this Act shall be construed to import the plural or singular, as the case demands.

§ 8. That all laws and parts of laws in conflict with the provisions of this Act be and are hereby repealed.

§ 9. That this Act shall be in force and effect upon its passage and approval.

Mr. Evans offered the following Amendment to said bill, viz.:

Amended S. B. 181, Page 1, Section 1, line 2 after the word "sale," strike out the words: "or have in his possession."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
W. B. Ardery	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	J. O. Evans	T. R. Moore
W. O. Bach	D. W. Fowler	J. L. McDavid
J. H. Baughman	Otto C. Gartin	W. J. McGill
T. H. Benton	R. E. Glenn	Caleb Page
Shaler Berry	F. A. Gnau	Smith Park
C. H. Berryman	Whitsett Hall	Jas. J. Peters
D. F. Brown	Lawrence Harmon	R. R. Rogers
F. W. Bryant	J. M. Hayse	Philip J. Ryan
J. R. Buckman	H. M. Holbrook	C. W. Ryans
W. G. Buckner	H. B. Holland	M. G. Slusher
Lonnie Cooper	D. C. Jones	E. J. Snyder
Fred H. Coots	J. R. Kelly	Chiles Van Antwerp
J. S. Cruse	W. W. Leslie	C. D. Vincent
W. J. Curtis	J. L. Manning	W. S. Wallen
J. L. Cushing	Shelby Martin	
C. L. Daly	A. M. Mercer	—52

Those who voted in the negative were—

Geo. A. Brown	C. B. Carver	Goebel B. Henson
S. J. Bunger	J. D. Cox	Ira L. Horne

Grover C. Johnson	B. T. Morris	Clint Raymer
W. W. Johnson	Chas. N. McCarty	Frank L. Strange
W. O. Keller	F. T. Nichols	J. G. Swearengin
Thos. H. King	Geo. W. Potter	Mac Swinford
H. H. Miller	W. H. Pryor	J. L. Valandingham

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 157. An Act to amend and re-enact Sections 1, 2, and 3 of chapter 290 of the Acts of the General Assembly of 1924, approved March 7, 1924, relating to roads and bridges and the State Highway Department; creating a State Highway Commission and fixing their qualifications, duties and compensation; providing for appointees and employees and compensation of same; and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of Chapter 290 of the Acts of the General Assembly of 1924, relating to roads and bridges, approved March 7, 1924, be and the same is hereby amended and re-enacted so that when amended and re-enacted it will read as follows:

The department of the state government formerly known as the Department of Public Roads and Department of State Roads and Highways is hereby continued and shall be known as the State Highway Department, and State Highway Commission hereinafter provided for shall be an agent of the Commonwealth of Kentucky in connection with the construction, reconstruction and maintenance of the state roads and bridges as hereinafter provided, and such other duties as said commission is required to perform, and the acts of said commission shall be deemed to be the acts of the Commonwealth of Kentucky in performing the duties hereby imposed.

(1) There is hereby created a State Highway Commission, which shall consist of four members to be appointed from their respective districts, all of whom shall be appointed by the Governor and confirmed by the Senate. Said commissioners shall be appointed from the two dominant political parties and not more than two of whom shall be members of the same political party. Each of said commissioners shall be appointed immediately upon the taking effect of this act, two of whom shall be appointed for a term of two years, and two of whom shall be appointed for a term of four years. Said term of each to date from February 1, 1924. The said two members appointed from road commission district number 2 and number 3 as herein defined, shall serve for a term of two years, or until February 1, 1926, and the two members appointed from the first and fourth road commission districts shall serve for a term of four years, or up to February 1, 1928. Said road commissioner district No. 1 shall be composed of the first, secand and third congressional districts; road commissioner district No. 2 shall be composed of the fourth and fifth congressional districts; road commissioner district No. 3 shall be composed of the sixth, seventh and eighth congressional districts, road commissioner district No. 4 shall be composed of the ninth, tenth and eleventh congressional districts. On or before February 1, 1926, and every two years thereafter, the Governor shall appoint two

members of said commission for a term of four years, and in case of any vacancy or vacancies by resignation death or otherwise, the Governor shall fill the same by appointment. The said commission shall immediately after its appointment, or as soon thereafter as practicable, meet and organize by selecting a chairman and secretary of the commission from among its appointed members and three appointed members shall constitute a quorum for the transaction of its business, and on or before July 1, 1924, said commission shall meet and appoint a State Highway Engineer. The members of said commission shall be citizens and residents of Kentucky and shall not be less than thirty years of age, and each shall be a representative business man and be well informed as to the needs and requirements of different sections of the state, with reference to roads and highways. The Governor shall be ex-officio a member of the commission without vote, and he shall not be required to attend the meetings of the commission except at his convenience or pleasure. No members of the commission, State Highway Engineer or any division engineer, or other employee of the State Highway Department shall have any interest directly or indirectly in any contract made by the commission, nor shall they own or have directly or indirectly any interest in a corporation, firm, company, association or partnership engaged in the business of mining, manufacturing, preparing or selling any road construction material, or machinery, or engaged in the business of building, constructing or maintaining public roads, bridges or highways, or in furnishing, soliciting or executing bonds for contractors dealing with the commission or its agents or officers. Before assuming the duties of his office each member shall take the constitutional oath of office and record thereof shall be entered on the minutes of the commission. The said commission shall have its office with the State Highway Department. The commission shall provide a book in which shall be recorded all of its proceedings at each meeting, which records shall be signed by the chairman and secretary of the commission. The com-

mission shall meet at least once each month and may meet at any time upon the call of the chairman or two members of the commission, such call to be in writing and made a matter of record. It shall be the duty of the commission to make a careful investigation of all problems relating to the construction and maintenance of roads and bridges in the state; it shall examine all projects and ascertain the feasibility of all routes and shall obtain information as to the proper type or character of road for any project; it shall examine all types of road material which may be used, or the use of which is contemplated, in the construction, reconstruction or maintenance of any road hereinafter mentioned; it shall, from time to time, examine and have examined the books of the State Highway Department; it shall give the engineer full and complete information as may be obtained by it, of all matters which it investigates, and shall advise him fully as to all matters and things for the best interest of the state in the construction, reconstruction and maintenance of roads and bridges, and the advice and information given shall be made a matter of record on the minutes of the commission. If any person holding a road or bridge contract with the Commonwealth shall fail to carry out such contract said commission is authorized to cancel such contract and relet same without advertisement, provided it can obtain a qualified contractor to perform such work at prices at which the contract was let in the first instance or less, otherwise the work shall be advertised as required by law. In the event it is discovered in any fiscal period that the cost of continued work on contract or contracts will exceed the revenues for such fiscal period, the commission shall have the power and authority to cancel such contract or contracts, or any portion thereof, as may be necessary to keep the expenditure within the revenues for the fiscal period. If such authority should be exercised then the commission is authorized and empowered to enter into contracts for the completion of such work at any time funds are available for such purpose without advertising such work, provided it can obtain a quali-

fied contractor to assume such work at the prices at which the contract was let in the first instance, otherwise the work shall be advertised as required by law. No contractor shall exceed the provisions of the plans and specifications upon which a contract is awarded, without first obtaining the written authority from the State Highway Commission so to do, and if done without such written authority neither the Commonwealth of Kentucky nor the said State Highway Commission shall pay or be liable for such excess work or material. The commission shall make a report to the Governor at least once each fiscal year, and oftener if required by him, giving in detail all information which will fully advise him and the General Assembly of the work done by the department, and particularly showing in detail all moneys expended and the purposes for which spent. Provided, that the biennial report provided for in section 3 hereof may be made and accepted in lieu of the annual fiscal year report for the year last covered by said biennial report. In reaching a conclusion on any matters pertaining to the duties of his office the engineer shall consider, and reach his conclusions from the information and advice furnished him by the commission and from information obtained by himself and assistants from other sources. The commission shall be paid twenty dollars per day each, not to ceed four thousand dollars annually, and actual and necessary traveling expenses while engaged in the performance of its duties under this act. The chief administrative officer of said department shall be known as the State Highway Engineer, who shall be appointed by the commission during the month of June, 1924, and during said month every four years thereafter the commission shall appoint a State Highway Engineer, each such appointee to hold office for a term of four years from the first day of July following his appointment, or until his successor is appointed and qualified, but said commission may remove said engineer at the pleasure of the commission and may fill the unexpired term by appointment. The State Highway Engineer shall not be less than thirty years of

age at the time of his qualification; he shall be a civil engineer and shall have had not less than five years' experience in civil and highway engineering. The said engineer shall qualify by taking and subscribing the constitutional oath and an oath to well and truly perform the duties of his office, which shall be filed with the Secretary of State, and by executing a bond in such penal sum as may be fixed by the commission, same to be approved by the commission and filed with the Secretary of State. In addition to the other duties imposed upon the engineer, he may with the approval of the commission cause any road to be constructed by force account when no satisfactory bid is received for the construction of such road, after the necessary steps have been taken, as provided by law, to obtain bids for such work, and he may in like manner and under like limitations do any part of the work of constructing any road by force account. The engineer is hereby empowered and authorized with the consent and approval of the commission to employ such assistants and employees as may be necessary to carry on the work which is or may be under the supervision of the department, and said engineer is authorized and empowered to fix the salaries of such assistants and employees, subject to approval by the commission, and such salaries shall be paid monthly out of the State Tresury upon the certifications of the commission to the Auditor of Public Accounts and charged to the state road fund, and the commission may require such assistants and employees to execute such bonds as they may deem necessary. The engineer, with the approval of the commission, may and at the direction of the commission shall remove any assistant or employee when, in their judgment, the good of the department requires it. Said attorney for the department provided for by section 2 hereof shall have access to all the records of the department and shall devote his whole time and shall aid and assist the commission and engineer in gathering data, information and statistics such as may be useful and helpful to the work of the department, and shall make reports of the workings, business

methods and activities of the department to the Governor and each member of the commission on the first of each and every month and at such other times as the Governor or the commission may direct. The premium on all bonds to be executed by officers, assistants or employees, shall be considered and paid as other expenses of the department. Upon the order of the commission, the Auditor of Public Accounts shall draw his warrant in a sum not to exceed twenty-five thousand dollars ($25,000.00) at any one time payable to the commission which shall be paid by the Treasurer to the commission and by them placed in a fund to be known as the labor expense fund, the same to be disbursed and paid out from time to time on the order of the engineer with the approval of the commission, or the commission, for the performance of labor incident to the work of the department on roads under charge of the commission. Said attorney shall be appointed by the Governor with the advice and consent of the Senate.

§ 2. That section 2 of Chapter 290 of the Acts of the General Assembly of 1924 be and the same is hereby amended and re-enacted so that as re-enacted it will read as follows:

Section 2. The State Highway Engineer shall receive a salary of five thousand dollars ($5,000.00) annually, to be paid monthly out of the State Treasury and charged to the state road fund, and shall be furnished with ample office room at the State Capitol for himself and all assistants for the proper prosecution of their work. The engineer, and all officers, assistants and employees of the department shall be paid their actual necessary traveling expenses while engaged in the discharge of official and departmental duties, said expenses to be paid, upon certification to the Auditor by the commission, and charged to the state road fund. The total expenses of the department, including salaries, traveling expenses and all other expenses connected with or incident to the work imposed on the department, shall not exceed in the aggregate, in any one year, ten per centum of the total road fund expended for said year. The Governor, by and with the advice and consent

of the Senate, shall appoint an attorney at law for the State Highway Department who shall be a citizen of Kentucky and a resident thereof for ten years just prior to date of appointment, at least thirty-five years of age and a practicing attorney for a period of eight years prior to appointment, and of good moral character. Said attorney shall be appointed for a term of four years from the date of appointment and every four years thereafter, and hold said office until his successor is appointed and qualified. Such attorney shall qualify by taking the constitutional oath required of other officers and by executing bond in such penal sum as may be fixed by said commission, bond to be approved by the commission and filed with the Secretary of State. It shall be the duty of such attorney to attend to all litigation involving said State Highway Department and render legal opinions and advice to said commission and department in connection with their official duties. Said attorney shall receive a salary of five thousand dollars ($5,000.00) annually, to be paid monthly out of the State Treasury, and necessary traveling expenses when on official business, to be charged to the state road fund, and shall be furnished office room at the State Capitol, together with equipment and office supplies necessary for him to discharge his duties. There shall be employed for said attorney a competent stenographer, in the same way other employees of said department are employed. The selection of said stenographer to be made by said attorney. Said commission may remove said attorney at the pleasure of the said commission and may fill the unexpired term by appointment. The State Highway Commission shall have the legal assistance of the Attorney General in any litigation or other legal matter or advice in which the State Highway Department is concerned upon the request of the said commission or of the State Highway Engineer.

§ 3. That section 3, chapter 290 of the Acts of the General Assembly of 1924, be and the same is hereby amended and re-enacted so that as re-enacted it will read as follows:

Section 3. In addition to the duties imposed upon it in the preceding section, the commission may cause to be printed and distributed from time to time, bulletins containing useful information touching the construction and maintenance of roads; it shall on or before the first day of December, biennially, and oftener if so required by the Governor, make a report to the Governor for general information and for the use of the General Assembly, which report shall give in detail a statement of all expenses and salaries, and shall set out in full all activities of the department, showing work done and work in progress, with a detailed statement of the cost or proposed cost thereof; the income and expenditures of the department shall be fully stated and, in addition, the report shall contain such useful information as the commission may deem of importance, together with recommendations looking towards increasing the efficiency of the department. The engineer shall make, under the supervision of the commission, all necessary surveys in the establishment and construction of the system of roads now or hereafter designated as such, and shall make and provide all necessary maps, prints, plans and specifications of all work to be done on said roads, or any of them; and he shall, with the approval of the commission, select the route, or any part of the route, between the points designated, and may deviate from existing or proposed routes when necessity for such deviation is found; he shall establish the width and grades of all roads, and provide suitable and adequate systems of drainage; he shall determine the type or character of all roads, subject to the approval of the commission, which shall be constructed in whole or in part between designated points, and shall prepare estimates of costs, advertisements for bids, contracts for construction or maintenance and all necessary forms in connection therewith; he shall have full power, subject to the approval of the commission and within the limitations of this act, to designate roads and sections of roads for construction. After surveys, plans, specifications and estimates have been completed for any road,

or any part or section of any road, and the type and character of such road has been determined, he shall advertise in newspapers published in or out of this commonwealth for, and receive bids as provided in this act, he shall prescribe rules and regulations for the care and maintenance of roads after they have been constructed; he shall have full power to stop or regulate all traffic or travel over any road in process of construction or improvement and until same is ready to be opened to the public, and for that purpose he shall have power to designate other roads for the accommodation of all travel until the road under construction is entirely completed and he shall have the power to establish temporary roads to accommodate travel and traffic until the road under construction is finally completed and may, with the approval of the commission, make arrangements with the landowners for such necessary temporary rights of way for establishment of temporary roads, and he may contract and pay for same out of the road fund by certifying the cost thereof to the Auditor; said temporary road shall be designated and opened for travel by the engineer and his agents at least two weeks before work is begun on the road proposed to be constructed or improved. The commission is empowered and authorized to advertise for bids and may enter into contract for the purchase of and to purchase any and all materials of any kind or character used in the construction or maintenance of roads and highways constructed or maintained under this law or laws hereafter enacted and may pay for such materials when delivered at the destination specified in the contract. For the faithful performance of any contracts entered into by the commission and any contractor, the commission may require bond or bonds, or secure same by any means they in their discretion may deem advisable or expedient. The commission is hereby authorized and empowered to enter into contracts and agreements with the United States government relating to the survey, construction and maintenance of roads under the provisions of the act of Congress, approved July 11, 1916, entitled: "An act to pro-

vide that the United States shall aid the states in the construction of rural post roads, and other purposes," which act will be found in the United States Statutes at Large, page 355, or any act amendatory thereof, or any act of Congress having in view the same, or substantially the same object, which may hereafter be enacted, and to submit such plan or program of construction and maintenance as may be required by the Secretary of Agriculture of the United States, or any other officer who may be designated by Congress, and do all other things necessary fully to carry out the co-operation contemplated or that may hereafter be contemplated and provided for by said act or any future act; the commission shall have the power, and it is hereby authorized to set apart and appropriate from the state road fund an amount equal to any sum or sums that have been or may be allotted to the Commonwealth of Kentucky by the United States government, or any sum or sums that may be necessary to carry on co-operative work with the United States government under existing or future laws and plans, and there is hereby appropriated from the state road fund sufficient funds to enable the said commission to pay the Commonwealth's portion for the construction and maintenance of rural post roads as provided for in the present, or any future Federal aid act; the commission is hereby directed and authorized to prepare the necessary plans and specifications and to enter into contracts for and to supervise the construction of Federal aid roads in accordance with the rules and regulations of the Secretary of Agriculture of the United States. The State Treasurer is hereby authorized to receive such money or moneys as may be due under the provisions of the present or any future Federal aid act and the same shall be paid out by him upon warrants of the Auditor, which warrants shall be issued only in payment of claims certified to him by the commission. The commission shall have the power and authority at any time to add to the primary system of highways in this state, any and all roads, projects or section thereof as may be designated by

the Federal government as state or national highways, and may adopt as part of such system any Federal routes. The commission is hereby authorized to turn over to the respective counties any road or roads which may have been constructed under the state aid law, except such road or roads as may be a part of the primary system of roads now or hereafter designated as such, and the counties shall be under full obligation to maintain such roads as may be turned over to and received by them. The commission shall have full power to carry out all contracts which may have been entered into under the State aid law, and the state shall be fully bound to pay its part of the construction of said roads under the state aid law, and the said commission is hereby authorized to certify to the Auditor the amount due any county where the full amount due is determinable, and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant or warrants for such sum as is shown to be due any county by reason of the construction of roads under the state aid law. Such warrants shall be made payable to the county treasurer, or to any person the county, through its fiscal court, may direct, and the county, or such person, may direct the Auditor in what denominations said warrants shall be drawn. Said warrants shall be payable from the state road fund and shall be in the same form as warrants drawn by the Auditor on the general fund. If there be not sufficient money in the road fund to meet such debts when so certified, then said warrants shall be so drawn as to bear interest at the rate of five per centum annually, payable semi-annually on the first day of January and the first day of July. Said warrants shall be numbered serially and the commission shall order them called in for cancellation from time to time when there is money in the state road fund available therefor, such call to be made through the State Treasurer in the manner that interest bearing warrants against the general fund are now called. In making such call, the commission shall take care not to discriminate against any county. No such warrant shall bear in-

terest after it has been called for payment. If not otherwise herein provided, the laws governing the issuance and payment of warrants drawn against the general fund shall govern and control the warrants herein provided for; the said commission shall ascertain all gifts, donations or appropriations which have heretofore been made or promised by any person, firm, corporation, county or municipality in aid of the construction of any road known as a state aid or state and Federal aid road, and where such gift, donation, appropriation or promise has not been completed, said gifts, donations or appropriations, or any promise thereof shall be binding and enforceable and of full effect the same as when made, and nothing in this act shall be construed to affect the validity thereof. In addition to the foregoing enumerated powers and duties, it shall be the duty of the commission to perform any and all other duties imposed upon it by this or any other act, and particularly shall it be its duty to do and cause to be done all things necessary to construct and maintain the system of primary roads now or hereafter designated as such, and where there is no provision of law covering any necessary thing to be done in the construction and maintenance of said roads, it shall do or cause to be done such necessary things in the way and manner best calculated, in its judgment, to accomplish the necessary object, and it is intended that the provisions contained in this act, shall not be treated as restrictions on their powers, save as expressly stated or clearly implied, that is to say, it is intended that they may do all things necessary in the construction or maintenance of said roads except where the power is by this or another statute expressly or by clear implication denied or restricted. Wherever and whenever the word "department" occurs herein it shall mean the State Highway Department; and wherever and whenever the word "commission" is used herein it shall mean the State Highway Commission, and wherever and whenever the word "engineer" is used herein it shall mean the State Highway Engineer.

All laws and acts or parts of laws and acts in conflict herewith are hereby repealed.

§ 4. Whereas, it is very urgent and a public necessity to continue to construct and maintain the primary system of public highways in this Commonwealth and in order that no delay happen an emergency is hereby declared, and this act shall become effective from and after is passage and approval.

Mr. Milliken offered the following Amendments to said bill, viz.:

Amend S. B. 157 in the House by striking out of line 154, page 6 section 1 of the printed bill the word "attorney" and substituting in lieu thereof the words "Executive Inspector."

Amend S. B. 157 in the House by striking out of lines 192 and 193, page 7, section 1 of the printed bill the words "Said attorney shall be appointed by the Governor with the advice and consent of the Senate."

Amend S. B. 157 in the House by striking out all of lines 17 to 40 inclusive, page 8, section 2 of the printed bill, beginning after the word "year" in line 17 and inserting in lieu thereof the following:

"The Governor may appoint an Executive Inspector of the State Highway Department who shall be a citizen of Kentucky, and a resident thereof for ten years next preceding the date of appointment, at least thirty years of age and of good moral character. The said Executive Inspector shall qualify by taking the constitutional oath required of officers and by executing bond in such penal sum as may be fixed by the State Highway Commission and be approved by the Commission and filed with the Secretary of State. The said Executive Inspector shall discharge the duties required of him by law and requested by the Governor and the State Highway Commis-

sion and may be removed at the pleasure of the Governor. Said Executive Inspector shall receive a salary of Four Thousand ($4,000) Dollars annually, to be paid monthly out of the State Treasury, and necessary travelling expenses when on official business, to be charged to the State Road Fund."

Said Amendments were each and severally agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	E. M. Johnson
W. B. Ardery	Mormon B. Daniel	Grover C. Johnson
Wm. J. Arvin	J. R. Dorman	W. W. Johnson
J. H. Baughman	E. J. Doss	D. C. Jones
T. H. Benton	D. E. Edwards	W. O. Keller
Shaler Berry	J. O. Evans	J. R. Kelly
C. H. Berryman	D. W. Fowler	Thos. H. King
W. P. Bowman	Otto C. Gartin	Oscar Leibson
D. F. Brown	R. E. Glenn	W. W. Leslie
Geo. A. Brown	F. A. Gnau	Leon P. Lewis
F. W. Bryant	Whitsett Hall	J. L. Manning
J. R. Buckman	Lawrence Harmon	Shelby Martin
W. G. Buckner	C. W. Hawkins	A. M. Mercer
S. J. Bunger	J. M. Hayse	H. J. Meyers
W. A. Carson	Goebel B. Henson	H. H. Miller
C. B. Carver	H. M. Holbrook	J. S. Milliken
Lonnie Cooper	H. B. Holland	T. R. Moore
Fred H. Coots	S. K. Holland	B. T. Morris
J. D. Cox	Ira L. Horne	Chas. N. McCarty
W. J. Curtis	J. C. Hutcherson	J. L. McDavid

W. J. McGill	W. H. Pryor	J. G. Swearengin
F. T. Nichols	Philip J. Ryan	J. L. Valandingham
Caleb Page	C. W. Ryans	Chiles Van Antwerp
Smith Park	Chas. L. Seale	W. S. Wallen
J. J. Patterson	M. G. Slusher	T. B. Watts
Jas. J. Peters	E. J. Snyder	
Geo. W. Potter	Frank L. Strange	—79

Mr. Milliken offered the following Amendment to the title of said bill, viz.:

Amend the title to S. B. 157 in the House by striking out the word "attorney" therein and inserting in lieu thereof the words "Executive Inspector."

Said Amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Milliken moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 16. An Act to amend and re-enact Chapter 44 of Acts of 1924, entitled "An Act to repeal and re-enact section 75 of Carroll's Criminal Code of Practice, Sixth Edition, 1919."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 44, Acts of 1924, entitled, "An Act to repeal and re-enact section seventy-five of Carroll's Criminal Code of Practice, sixth edition, 1919," be amended and re-enacted so as to read as follows:

"In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted the death penalty, or life imprisonment, he shall be permitted to execute bond pending his appeal to the Court of Appeals.

The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed he will surrender himself to the sheriff of the county of his conviction within thirty days after the affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction, or if his case shall be reversed, he will appear in the next circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

The bond should be for a penal sum sufficient reasonably to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given, by an order made a part of the judgment and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. S. Milliken
W. B. Ardery	D. W. Fowler	T. R. Moore
Wm. J. Arvin	F. A. Gnau	B. T. Morris
W. O. Bach	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	C. W. Hawkins	W. J. McGill
W. P. Bowman	Goebel B. Henson	F. T. Nichols
D. F. Brown	H. B. Holland	Caleb Page
Geo. A. Brown	Ira L. Horne	J. J. Patterson
F. W. Bryant	J. C. Hutcherson	W. H. Pryor
J. R. Buckman	E. M. Johnson	Clint Raymer
W. G. Buckner	Grover C. Johnson	Philip J. Ryan
S. J. Bunger	W. W. Johnson	M. G. Slusher
C. B. Carver	D. C. Jones	W. R. Smith
Lonnie Cooper	Mrs. H. G. Jorris	E. J. Snyder
J. D. Cox	W. O. Keller	Frank L. Strange
J. S. Cruse	J. R. Kelly	Mac Swinford
W. J. Curtis	W. W. Leslie	J. L. Valandingham
J. L. Cushing	Leon P. Lewis	Chiles Van Antwerp
C. L. Daly	J. L. Manning	C. D. Vincent
Mormon B. Daniel	A. M. Mercer	T. B. Watts
J. R. Dorman	H. J. Meyers	
E. J. Doss	H. H. Miller	—67

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 296. An Act to provide for the designation of Special Judges to preside over the circuit courts of this Commonwealth, by the Chief Justice upon a commission to be issued by the Governor, fixing their compensation and expenses, defining the conditions under which they may be appointed and the jurisdiction which they may exercise, and providing for the designation of special judges by agreement and fixing their compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Circuit Judges Authorized to Act as Special Judges.—The regular circuit judges of the Commonwealth, except judges of circuit courts of continuous session, are hereby authorized to act as special judges of the circuit courts of this Commonwealth.

§ 2. Circuit Judges to Act; Duty of Chief Justice and Clerk.—In the absence of the regular judge of any circuit court in this Commonwealth, except courts of continuous session, as mentioned in section 1 of this act, or when because of disability or disqualification he cannot preside in any particular case or cases, if the parties cannot agree upon an attorney who is present to act as judge, as provided in section 6 of this act, the clerk shall at once certify that fact to the Chief Justice of the Court of Appeals of Kentucky, who shall immediately designate one of the circuit judges mentioned in section 1 of this act who is not then engaged in holding a regular or special term of court in his district, and it shall be the duty of the said circuit judge so designated to hold the court or to try the case or cases and the circuit judge so designated

by the Chief Justice shall have all the power of the regular judge of the court over which he is designated to preside.

§ 3. Designation of Attorneys in Courts of Continuous Session.—When from any cause the judge of any circuit court of continuous session or division thereof, being in attendance, cannot properly preside in an action, proceeding or prosecution pending in said court, or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the members of the bar of said court to hear and try the case, proceeding or application; and if any of the parties to said action, proceeding or prosecution are nonresident defendants, who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such nonresidents, or the guardian ad litem for such infants, may agree with the other parties to such action, proceeding or prosecution, upon a member of the bar having all the qualifications of a circuit judge, to try such action, proceeding or prosecution. However, if the parties cannot agree upon a member of the bar to act as judge, as above stated, or if no judge of said court or division thereof is available, the clerk of the court shall at once certify that fact to the Chief Justice of the Court of Appeals of Kentucky, who shall designate as circuit judge, a member of the local bar having the qualifications of a circuit judge, and who shall be commissioned by the Governor upon the request of the Chief Justice to try the case, and the judge so designated shall have all of the powers of the regular judge of the court over which the member of the bar is designated by the Chief Justice and commissioned by the Governor to preside, and shall receive for his services the compensation hereinafter provided.

§ 4. Designation of Attorneys in Other Circuit Courts.—When from any cause the judge of any circuit court of other than courts of continuous session fails to attend, or is

unable for any reason to hold the court, or if the parties litigant cannot agree upon an attorney to act as special judge as provided in section 6 of this act, the clerk of said court shall at once notify the Chief Justice of the Court of Appeals of Kentucky, who shall if no regular circuit judge is available, designate as circuit judge upon a commission to be issued by the Governor at the request of the Chief Justice, a member of the bar having the qualifications of a circuit judge, to hold said court during the time when the regular judge shall fail to attend, or shall be, as above stated, unable to preside over said court, and the judge so designated shall hold said court, and shall have all the powers of the regular judge of the court over which he is designated by the Chief Justice and commissioned by the Governor to preside, and shall receive for his services the compensation hereinafter provided.

§ 5. Compensation of Attorneys Designated by Chief Justice.—Every special judge designated under sections 3 and 4 of this act shall be paid for his services the sum of fourteen dollars ($14.00) per day and his actual expenses not to exceed ten dollars ($10.00) per day, when acting outside the county of his residence.

§ 6. Special Judge by Agreement if Regular Judge Absent or Can Not Preside; Affidavit to Remove Judge.—When, from any cause, the judge of the circuit court fails to attend, or being in attendance cannot properly preside in an action, proceeding or prosecution pending in said court or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion; and if any of the parties to said action, proceeding or prosecution be or are nonresident defendants, who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such nonresidents or the guardian ad

litem for such infants, may agree with the other parties to such action, proceeding or prosecution, upon a lawyer having all the qualifications of a circuit judge to try such action, proceeding or prosecution.

§ 7. Special Judges by Agreement; Compensation and Powers of.—Every special judge designated by agreement of the parties litigant, as provided in section 6 of this act, shall be paid for his services the sum of fourteen dollars ($14.00) per day for the time he is engaged in holding the court or presiding at the trial or hearing any application mentioned in section 6 of this act, and such compensation shall be allowed and paid to him as provided by law for the payment of claims against this Commonwealth upon an order entered upon the minutes of the court over which he has presided showing the number of days' service so rendered by him and the amount of his claim for compensation. Any member of the bar of such circuit court selected by the parties litigant to any action, proceeding, prosecution or application for a change of venue pending before him, as provided in section 6 of this act, shall have all the powers and be subject to all responsibilities of the regular circuit court over which he is designed by agreement to preside.

§ 8. Regular Circuit Judges Commissioned to Act as Special Judges; Compensation.—It shall be the duty of the Governor, whenever he shall commission a regular circuit judge, in addition thereto, to issue a special commission to each of said circuit judges, except judges of circuit courts of continuous session, commissioning him to act as special judge of the Commonwealth, with jurisdiction coextensive with the state and said regular circuit judge shall remain such so long as he shall continue to hold office under his commission as regular judge, and when any regular judge shall preside outside of his judicial district in holding a court or trying a case, he shall have his said commission as special judge recorded upon the order book of the court over which he may be designated by the Chief Justice to preside. Every regular circuit

judge, commissioned as a special judge, shall receive for his services as such and in addition to his regular salary, an annual salary of twelve hundred dollars ($1,200.00) and his actual expenses not to exceed ten dollars ($10.00) per day when engaged outside of his district, payable monthly out of the state treasury. Nothing in this section, or in section 15 of this act, shall affect the salaries of regular circuit judges now holding commissions as special judges.

§ 9. Oath.—Every special judge, including both regular circuit judges and members of the bar designated as provided in this act, shall before entering on the discharge of his duties, in addition to the oath prescribed by the Constitution, take an oath as follows. "I, A. B., do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge all of the duties incumbent upon me as judge, according to the best of my abilities."

§ 10. Entries on Order Book to be Made by Special Judges.—The commissions of special judges, including both regular circuit judges and members of the bar so designated, the designation of special judges, the reason for such designation, and the fact that the requisite oath have been taken, must be entered upon the order books of the courts over which such special judges are designated to preside.

All claims for compensation and expenses of attorneys or members of the bar designated as special judges, and as provided for in sections 5 and 7 of this act, shall be allowed and paid as provided by law for the payment of other claims against the Commonwealth, but before such claims shall be allowed by the Auditor, the amounts thereof, the number of days' service rendered on the bench, together with a statement of expenses shall be entered upon the order book of the court over which such special judge is designated to preside, and the same shall be presented to and approved by the Chief Justice of the Court of Appeals.

§ 11. Roster of Terms of Court to be Kept by the Chief Justice.—It shall be the duty of the clerk of each circuit court held by a judge whose district does not embrace a city of the first or second class, wherein a court of continuous session is held, to notify the Chief Justice of the Court of Appeals in writing immediately upon the final adjournment of each regular or special term of his court, and also of the time when the next regular or special term to be held by said circuit judge shall begin, and it shall be the duty of the Chief Justice of the Court of Appeals to keep a roster of said circuit judges showing when each of them is not engaged in holding a regular or special term of court in his district and the Chief Justice in designating the circuit judges to hold any special term or to try any case at such term, shall do so in such manner as to divide the additional duties provided for in this act as equally as possible among all the regular circuit judges, exclusive of judges of circuit courts of continuous session.

§ 12. Duties of Regular Circuit Judge and Chief Justice where Dockets are Congested.—It shall be the duty of every regular circuit judge to call a special term of his court, when at the close of any regular term, as many as ten cases remain on the docket of his court, undisposed of and not called for trial, nor under submission, and upon the failure of said regular circuit judge so to do, and upon manifestation of that fact by any of the parties litigant in such cases or by counsel of record, by motion and notice in writing to the Chief Justice of the Court of Appeals, the said Chief Justice is hereby empowered, in his discretion, to call a special term of such court, for the purpose of trying such cases or hearing any motion or pleading in relation thereto, and to designate any regular circuit judge, not otherwise engaged, to preside over such special term, or if no regular circuit judge is available upon a commission to be issued by the Governor, at the request of the Chief Justice, the Chief Justice may designate any member

of the bar of this state having all the qualifications of a regular circuit judge, to preside over such specail term.

The order of the Chief Justice, calling a special term of any circuit court as provided in this section, shall specify the court in which said special term shall be held, when the same is to commence, and the style of each case to be tried, or in which any motion, pleading, order or judgment is to be filed, made or entered at said special term. Whenever a special term shall be ordered by the Chief Justice of the Court of Appeals, as provided in this section, it shall be the duty of the moving party to serve a copy of such order upon all parties litigant affected thereby or upon counsel of record in each case specified in the said order, or in lieu of such notice, the Chief Justice may, in his discretion, direct that notice of such special term shall be given by posting a copy of said order on the door of the courthouse where such special term is to be held, within a reasonable time previous thereto.

§ 13. Special Terms May be Held While Regular Circuit Court is in Session. In each county of each judicial district, except counties having circuit courts of continuous session, there shall be held each year the number of terms of the circuit court provided for by law, and the term in any district may be extended if the business requires so that it does not interfere with any other term in the distirct; and whenever it is necessary to transact the business, a special term may be held in any county, either by an order entered of record at the last preceding regular term in the county or by notice signed by the judge and posted at the court house door of the county for ten days before the special term is held. The order or notice shall specify the day when the special term is to commence and shall give the style of each case to be tried, or in which and motion, order or judgment is to be made or entered at the said special term, and no other case shall be tried, or motion, or order, or judgment entered therein, unless by agreement of parties. Grand juries shall be summoned and criminal and penal causes shall

be heard at but three terms in each year in any county, to be fixed by order of court, unless in an emergency the court may otherwise direct; and grand or petit jurors may be summoned for any special term by direction of the judge; provided, however, that, whenever, in the opinion of the regular judge of any circuit court, there is such a congestion of the civil or criminal docket in any such court as that it can not be disposed of by the court at its regular terms, as now provided by law, or at any special term which may be called and held as provided by this section, then and in every such case it shall be lawful for the regular circuit judge of such court, by order entered of record, at a regular term of such court, to call a special term of said court to be held while a court is, or may be in session in the same or some other county in the district. Every such order calling such special term shall specify the day when the special term of the court shall commence, and the time it shall continue, and shall give the style of each case to be tried, or in which any motion, order or judgment may be made or entered at such special term, and no other case shall be tried, or motion made, or order or judgment entered therein in any case, even by agreement of parties, except upon direction of the Chief Justice as provided by section 10 of this act. The grand jury and petit jury for the trial of criminal, or ordinary actions, at such special term shall be drawn at the term at which such special term is called in the manner and form provided by law for the drawing of grand and petit jurors for the regular terms of such court. Whenever the regular judge of such court cannot attend at any special term called under this section, then a copy of the order calling such term shall be forwarded by the clerk of such court to the Chief Justice of the Court of Appeals, whose duty it shall be to designate some other regular circuit judge, not then engaged in the trial of cases, or if no regular circuit judge be available at said time it shall be the duty of the Chief Justice, upon a commission to be issued by the Governor at the request of the Chief Justice, to designate some member

of the bar of this state having all the qualifications of a regular circuit judge to hold the special term of such court, provided for in this section. The special judge so designated shall have all the powers of the regular judge of said court.

§ 14. Refusal of Circuit Judge to Act—Effect of. Any circuit judge who shall refuse to serve, or to preside when requested to do so by the Chief Justice of the Court of Appeals, unless prevented by sickness or other cause beyond his control, or in cases where he is disqualified from presiding, may be cited to appear before the Court of Appeals, or if in vacation before the Chief Justice or any Justice thereof, for contempt. It shall be the duty of the Attorney General to appear before the Court of Appeals, or if in vacation before the Chief Justice or any Justice thereof, in support of the rule or citation issued, and if upon a hearing or in response to the rule, it shall be made to appear that the circuit judge so offending has not sufficient cause for his refusal to act as special judge for the purposes expressed in this act he shall be dealt with in such manner as the Court may see fit, and fined for the contempt in such sum as the court may determine.

§ 15. That Chapter 81 of the Acts of 1902, Chapter 23 of the Acts of 1906, Chapter 3 of the Acts of 1910, Chapter 119 of the Acts of 1912, and Chapter 33 of the Acts of 1924 be and the same are hereby repealed.

§ 16. In view of the necessity for speedily providing means for the trial of causes in which the regular circut judges are unable to sit, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. H. Miller
W. B. Ardery	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	D. W. Fowler	T. R. Moore
W. O. Bach	R. E. Glenn	B. T. Morris
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
Shaler Berry	Whitsett Hall	F. T. Nichols
C. H. Berryman	Lawrence Harmon	Caleb Page
W. P. Bowman	J. F. Harrison	Smith Park
D. F. Brown	C. W. Hawkins	J. J. Patterson
Geo. A. Brown	Goebel B. Henson	Jas. J. Peters
F. W. Bryant	H. M. Holbrook	Geo. W. Potter
J. R. Buckman	H. B. Holland	W. H. Pryor
W. G. Buckner	Ira L. Horne	R. R. Rogers
S. J. Bunger	J. C. Hutcherson	Philip J. Ryan
C. B. Carver	Grover C. Johnson	C. W. Ryans
Lee Clark	W. W. Johnson	M. G. Slusher
Lonnie Cooper	D. C. Jones	W. R. Smith
Fred H. Coots	Mrs. H. G. Jorris	E. J. Snyder
J. D. Cox	W. O. Keller	Frank L. Strange
J. S. Cruse	J. R. Kelly	J. G. Swearengin
W. J. Curtis	Thos. H. King	Mac Swinford
J. L. Cushing	W. W. Leslie	Chiles Van Antwerp
C. L. Daly	Leon P. Lewis	C. D. Vincent
Mormon B. Daniel	J. L. Manning	W. S. Wallen
J. R. Dorman	H. J. Meyers	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a resolution entitled:

S. Res. 19. Resolution providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, the first pan-American conference ever held, memorializing the President and Congress of the United States to appropriate funds for the purchase and erection of a statue of the Honorable Henry Clay at Caracas, Venezuela, in connection with said celebration, and authorizing the Governor of Kentucky to appoint commissioners to represent Kentucky at the centennial exercises of the pan-American Congress to be held at Panama, Republic of Panama, and in the city of Caracas, Republic of Venezuela.

Said resolution is as follows, viz.:

Whereas, the Centennial of the Congress of Panama, the first Pan-American conference ever held, will be celebrated in the city of Panama, Republic of Panama, on or about June 22, 1926, and suitable exercises appertaining to the event will also be conducted at about the same time in the city of Caracas, Venezuela, and

Whereas, in view of the fact that Henry Clay of Kentucky, when a member of the National Congress and Speaker of the National House of Representatives, acted a leading and influential part in assisting the Republics of South America to secure their independence and was cordially supported in all of these activities by the people and Government of Kentucky, which, first of all the states of the American Union, manifested an interest in the liberation of South America, the General Assembly of Kentucky, more than one hundred years ago, having entertained a number of resolutions favoring the struggle of the South American countries to achieve their in-

dependence, and, in the year, 1821, having adopted Resolutions expressing its sympathy with the cause of South American independence and commending in the highest terms the efforts of the Kentucky members of Congress in that behalf, and

Whereas, the Honorable Charles S. Todd, a Kentuckian, was the first fully accredited diplomatic representative to Greater Columbia, and bearer of President Monroe's message acknowledging the independence of the South American Republics; and the Honorable Richard Clough Anderson, Jr., likewise a Kentuckian, was the first Minister Plenipotentiary and Envoy Extraordinary of the United States to any South American Republic, and was also one of the Envoys Extraordinary of the United States to the First Panama Congress, and

Whereas, in the year of 1921, the Republic of Venezuela presented to the American people a statue of General Simon Bolivar, the great liberator of South America, and at the same time this statue was unveiled in the City of New York, a delegation from Venezuela placed a wreath on the tomb of Henry Clay at Lexington, Kentucky, and

Whereas, in grateful recognition of the services rendered by him to Venezuela and her sister states of South America, the City of Caracas, the capital of Venezuela, has named one of the principal squares of said city, the Plaza Henry Clay, and dedicated same to Mr. Clay's memory, and

Whereas, the people of Venezuela and other South American countries have always cherished a feeling of admiration and gratitude for Henry Clay and the people of Kentucky because of their early, earnest, and protracted efforts to promote the cause of liberty in South America, therefore

Be it resolved, by the General Assembly of the Commonwealth of Kentucky:

(Both Senate and House concurring) That the president and Congress of the United States be and they are requested

to appropriate a sum sufficient to purchase and erect, in Caracas, Venezuela, a suitable statue of Henry Clay, to be presented on behalf of the people of the United States to the people of Venezuela, and, with that end in view, that this memorial be transmitted, through our Senators and Representatives in Congress, to the president of the National Congress; and

Be it Further Resolved, That, in the event action conformable to this Resolution is taken by Congress and such an appropriation is made, the commonwealth of Kentucky shall participate in the approaching Centennial Celebration to be held in the States of Panama and Venezuela in commemoration of the One Hundredth Anniversary of the Congress of Panama, the first Pan-American conference, and, in order that Kentucky may be fittingly represented at said celebration, the Governor of Kentucky be and he is hereby authorized and empowered to appoint a commission, to consist of five (5) members, all of whom shall be citizens and residents of Kentucky, and any three (3) of whom may act, to attend the aforesaid Centennial Celebration in the City of Panama, Republic of Panama, and in the City of Caracas, ir the Republic of Venezuela, as the official representatives of the Commonwealth of Kentucky, and of said commission the Governor of Kentucky shall himself be ex officio a member and the chairman thereof; and that the actual necessary expenses of said commissioners in the discharge of their duties as such shall be paid by the Commonwealth of Kentucky, on itemized account approved by the Governor, out of any money in the State Treasury not otherwise appropriated, and

Be it Further Resolved, That a certified copy of the foregoing Preamble and Resolutions be forwarded by the Secretary of State of Kentucky to the President of the United States and to both of the United States Senators and to each of the members of the National House of Representatives from Kentucky, and

Be it Further Resolved, That this Resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said resolution be read the third time.

The constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	H. H. Miller
J. H. Baughman	D. W. Fowler	J. S. Milliken
Shaler Berry	Otto C. Gartin	T. R. Moore
C. H. Berryman	R. E. Glenn	B. T. Morris
W. P. Bowman	F. A. Gnau	Chas. N. McCarty
Geo. A. Brown	Whitsett Hall	W. J. McGill
F. W. Bryant	Lawrence Harmon	F. T. Nichols
J. R. Buckman	J. M. Hayse	Caleb Page
W. G. Buckner	H. M. Holbrook	Smith Park
S. J. Bunger	S. K. Holland	Geo. W. Potter
Lee Clark	E. M. Johnson	Philip J. Ryan
Lonnie Cooper	Grover C. Johnson	M. G. Slusher
Fred H. Coots	D. C. Jones	W. R. Smith
J. D. Cox	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	Frank L. Strange
J. L. Cushing	J. R. Kelly	J. L. Valandingham
C. L. Daly	Thos. H. King	W. S. Wallen
J. R. Dorman	W. W. Leslie	T. B. Watts

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Those who voted in the negative were—

E. J. Doss	Ira L. Horne	Chiles Van Antwerp
Goebel B. Henson	W. H. Pryor	C. D. Vincent
H. B. Holland	Clint Raymer	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 379. An Act providing for the better government, administration, disposition and discipline of the police and fire departments of cities of the third class, and to create and perpetuate a pension fund for disabled police and firemen in such ctiies, their widows and children and dependent fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after service of a term of years, and to provide revenue for the payment of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The number of firemen, policemen, detectives and officers of the police and fire departments in cities of the third class shall be such as the general council or commissioners, where the commission form of government prevails, may from time to time, ordain; and the said general council or commissioners shall by ordinance fix the salaries of the officers and employes and provide for their payment, and the payment of other expenses of each of said departments.

§ 2. Wherever in this section the term general council or commissioners or board is employed, it shall be construed to mean the legislative branch of the city government.

Subsection One. That the commissioners shall have full control over the police and fire departments of the city together with all the property and paraphernalia belonging thereto and are empowered to ordain and put into execution such by-laws, rules and regulations for the government of each of said departments as may be deemed expedient; to prescribe the qualifications of the members and officers of each department; to appoint a chief of the fire department and all subordinates; to prescribe their duties, and to grade the officers of each department and prescribe their several duties.

Subsection Two. The commissioners may within their discretion require all applicants for appointment as members of the police force or fire department to be examined as to their qualifications to fill the office of policeman or fireman, and as to their knowledge of the English language and as to the law and rules governing the duties of policemen or firemen. Each member of the police force or fire department shall be a qualified voter of the city in which he is appointed and be able to read and write and understand the English language, and to have such other qualifications as may be prescribed.

No person shall be appointed a member or officer of the police force or fire department unless he is well known to be a man of sobriety and integrity and has been, and is, an orderly, law-abiding citizen, nor shall any person he appointed a member or officer of said force or fire department on account of any political partisan service rendered by him, or on account or political sentiment or affiliations, or who is over fifty years of age, nor shall any officer or member of said force or fire department be removed or discharged or reduced in grade, or in pay, for any political partisan opinion. Their appointments and continuance upon the police force or fire department shall depend solely upon their ability and willingness to enforce the law, and comply with the rules of the police and fire department. No appointment to or continuance in any such position shall be as a reward for political activity, nor be obtained by political services or contribution to campaign

funds, nor shall any member of said departments pay or collect any assessments made by political organizations or contribute to political campaign funds or be unduly active in politics, or work for the election of candidates for office. The examination and qualification provided for in this act shall not apply to members of the police or fire department at this time, who have been continuously in said services for a period of five years. Members of the police and fire departments otherwise qualified under this law shall hold their positions during good behavior; provided, however, that the provisions of this act shall not prevent the board from decreasing the number of firemen and policemen as the said board may from time to time deem proper.

Subsection Three. No member or officer of the police or fire department shall be removed from the force or fire department, reduced in grade, or pay, upon any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the commissioners. Any person may prefer charges against an officer or member of the police force or fire department, which must be filed in the office of the mayor, who shall thereupon communicate said charges without delay to the other members of the said board. Said charges must be written, signed by the person making said charges, and must set out with clearness and distinctness each and every charge. It shall also be the duty of the mayor, whenever probable cause appears, to prefer charges against any member or officer of the police force or fire department, whom he believes to have been guilty of any conduct justifying his removal or punishment, in the interest of the public order. The charges filed by the mayor shall be written, and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issues so presented. All charges against members or officers of the police force or fire department shall be forthwith filed by the

mayor with the clerk of said board, and within three days after said filing, the commissioners shall proceed to hear and examine said charges; provided two days before said hearing the officer or member of the police force or fire department accused has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing, waive the service of said charges, and demand trial within three days after said charges are filed with the clerk of said board. The board will have the power to summon and compel the attendance of witnesses at all hearings, or sittings, by said board upon subpoena, issued by the clerk of said board and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said board shall have the power of a justice of the peace, to punish for contempt. The officer or member of the police force or fire department accused shall have the right to have subpoenaed in his behalf any witness he may desire, upon furnishing their name to the clerk of said board, and the action and decision of the board on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose, and the written charges filed in the matter shall be preserved and securely attached to the book containing the board's decision.

In cases where the mayor has probable cause to believe that the officer or member of the police force or fire department has been guilty of any conduct justifying removal or punishment, he may suspend said officer or member from duty, or from both pay and duty, pending said trial, and said officer or member shall not be placed on duty, or allowed pay thereafter, until the charges are heard by the board. The board shall fix punishment against an officer or member of the police force or fire department found guilty of any charge under this statute by a reprimand or suspension for any length of time in their judgment not to exceed six months, or by reducing the grade, if the accused be an officer, or by com-

bining any two or more of said punishments, or by removal or dismissal from the service of any such officer or member of the force or fire department. No officer or member of the police force or fire department except as provided in this act, shall be reprimanded, removed, suspended or dismissed from the police or fire department until written charges have been made or preferred against him, and a trial had as herein provided.

Subsection Four. Any officer or member of the police force or fire department who shall be found guilty by the board of any charge, as hereinabove provided, shall have the right to appeal to the circuit court of the county in which said city may be located, provided the punishment be suspension of more than 30 days, or a reducing the grade of an officer or a removal or dismissal from the police force or fire department; but the enforcement of the judgment of said board under such charges shall not be suspended pending said appeal. Upon the request of the party accused, the clerk of the board shall file a certified copy of the charges made, and the judgment or finding of the board in the circuit court, which transcript having been filed, the cause shall be docketed in the circuit court and tried de novo by the judge of said court. Should the clerk of said board fail to certify and transmit the transcript aforesaid to the circuit court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said circuit court, setting out as fully as possible the charges made, the time of trial by said court, and the judgment of said board, together with the statement of the fact that the demand for transcript had been made upon the clerk of said board more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the circuit court said cause shall be docketed in said court and the circuit court is hereby authorized to compel the filing of said transcript by said clerk, by entering the proper mandatory orders, and by fine and imprisonment, as in other cases of contempt. Such

appeal shall have precedence over the other business, and taken up and speedily determined. An appeal will lie from the judgment of the circuit court to the Court of Appeals, as in other cases, provided the punishment fixed by the board be suspension for more than sixty days, reducing the grade of an officer, removal or dismissal from the force.

§ 3. There shall be organized in connection with said police and fire departments a board to be known as the board of trustees of the police and firemen's pension fund, which shall be composed of the mayor of the city, city treasurer, fire chief and police chief, and said board shall select from their number a president and secretary. The city treasurer shall be ex-officio treasurer of said board and custodian of its fund.

§ 4. There may be levied and set apart by the board of commissioners of cities of the third class within the discretion a tax for the year 1927 and for each and every year thereafter, not exceeding one cent on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of any policeman or fireman who has served continuously in the police and fire departments, for at least a period of twenty years and who shall retire from the service after such period, and for the further purpose of pensioning any member of the police or fire departments who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of 14 years, or either of them, or any member of either department who may lose his life while in the service and on active duty. And all rewards, fees, proceeds or gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the department shall be paid into the treasury to the credit of the police and firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the police and firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund,

and they shall have power, and it shall be their duty from time time to invest the same in whole or in part, as they shall deem most advantageous for the objects of the said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 5. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid or assessed for the relief or pensioning retired, crippled or disabled members of the police and fire departments, or the widows or dependent children under the age of 14 years or dependent fathers and mothers, of any member of either department killed in service and while on duty, and may assess each member of the police and fire departments one per centum of the salary of each member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of each city to the credit of such fund, subject to the order of such board.

§ 6. The said board shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such application shall be final and conclusive, and not subject to revision or reversal, except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

§ 7. The said board of trustees shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the police and firemen's pension fund, in interest bearing bonds of the United States or the State of Kentucky, or any county, or any city of the first, second or third class in the State of Kentucky, or in any securities in which trustees or guardians are permitted to invest trust or guardianship funds under the laws of this state, and all such securities shall be deposited with the treasurer of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

§ 8. Both principal and interest of said pension fund shall be applicable to the payment of pensions under this act.

§ 9. If any officer, member or employe of the police or fire departments, while in the performance of his duty becomes temporarily totally disabled, physically or mentally, for service by reason of service in such department, the board of trustees shall order the payment to such disabled officer, member or employe monthly, during such a disability, not to exceed one year, from such pension fund a sum not exceeding $60.00 per month, the said amount to be determined by the board of trustees, provided such officer, member or employe during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the police or fire departments while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in such police or fire department. Provided, no such retirement on account of disability shall occur unless said member has contracted said disability while on duty in the service of said police or fire department; and upon said retirement the board of trustees shall order the payment to such disabled member of such police or fire department, monthly, from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said police or fire department shall, while in the performance of his duty, be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in said department and while in said service, or after having served in the service for fifteen consecutive years shall die while in the service or on the retired list from any cause, and shall leave a widow or child or children under the age of 14 years, said board of trustees shall direct the pay-

ment of said pension fund, monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of 14 years six dollars, and to the dependent father and mother, if said deceased member is unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead the mother shall receive the entire thirty dollars and if the mother be dead, the father shall receive the entire thirty dollars and if both be living, each shall receive fifteen dollars.

§ 10. If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payments in full to each of said beneficiaries.

§ 11. Any member of the police or fire department of such cities having served twenty years or more consecutively in such police or fire department, may make application to be relieved from such police or fire department, and if his application is granted, the said board of trustees may order and direct that such persons be paid monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

§ 12. Whenever an active or retired policeman or fireman shall die as aforesaid, the board of trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses.

§ 13. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said police or fire department, his widow or children under the age of 14 years or dependent mother or father.

§ 14. The treasurer of the board of trustees shall be the custodian of said pension fund, and shall securely and safely keep the same, subject to the control and direction of the

board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election, execute a bond to the city with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may come into his hands as treasurer of said fund, said bond shall be filed in the office of the treasurer as other bonds, and may be sued on in the name of the city for the use of said board, or any person or persons injured by breach thereof.

§ 15. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city on request in writing by said board of trustees, to draw warrants on the treasurer of said city payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

§ 16. All money ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by the order of the board after having been duly entered on the records of the proceedings of the board.

§ 17. The board of trustees shall make a report to the board of commissioners of said city of the condition of said pension fund on the last meeting in August in each and every year.

§ 18. No portion of said pension fund shall, before or after its order for distribution by the board of trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction in whole or in part of any debt, damage, claim, demand or judgment against the beneficiary of said fund, but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

§ 19. It shall be the duty of the attorneys for the cities of the third class to give advice to the board of trustees of the police and firemen's pension fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

§ 20 All acts or parts of acts in conflict herewith are hereby expressly repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	W. P. Bowman
Wm. J. Arvin	Shaler Berry	D. F. Brown
W. O. Bach	C. H. Berryman	F. W. Bryant

J. R. Buckman	Whitsett Hall	J. S. Milliken
W. G. Buckner	Lawrence Harmon	B. T. Morris
S. J. Bunger	Goebel B. Henson	Chas. N. McCarty
Lee Clark	H. M. Holbrook	W. J. McGill
Lonnie Cooper	H. B. Holland	F. T. Nichols
Fred H. Coots	S. K. Holland	Caleb Page
J. D. Cox	E. M. Johnson	Geo. W. Potter
J. S. Cruse	Grover C. Johnson	W. H. Pryor
W. J. Curtis	W. W. Johnson	Clint Raymer
J. L. Cushing	D. C. Jones	R. R. Rogers
C. L. Daly	Mrs. H. G. Jorris	Chas. L. Seale
Mormon B. Daniel	W. O. Keller	M. G. Slusher
J. R. Dorman	Thos. H. King	W. R. Smith
E. J. Doss	Oscar Leibson	E. J. Snyder
D. E. Edwards	W. W. Leslie	Frank L. Strange
J. O. Evans	Leon P. Lewis	J. G. Swearengin
D. W. Fowler	J. L. Manning	C. D. Vincent
R. E. Glenn	Shelby Martin	W. S. Wallen
F. A. Guau	H. H. Miller	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 46. An Act to repeal chapter 138 of the Acts of 1924, relating to real estate agents in cities of the first and second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 138 of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the regular session of the General Assembly of 1924 and approved March 28th, 1924, and being an act to define, regulate and license real estate brokers and real estate salesmen in each city of the first or second class, to create a State Real Estate Commission, and to provide a penalty for a violation of the provisions thereof, be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	W. J. Curtis	Ira L. Horne
W. O. Bach	J. L. Cushing	E. M. Johnson
T. H. Benton	C. L. Daly	Grover C. Johnson
Shaler Berry	Mormon B. Daniel	W. W. Johnson
C. H. Berryman	J. R. Dorman	D. C. Jones
W. P. Bowman	E. J. Doss	Mrs. H. G. Jorris
D. F. Brown	D. E. Edwards	W. O. Keller
F. W. Bryant	D. W. Fowler	J. R. Kelly
J. R. Buckman	Otto C. Gartin	Thos. H. King
W. G. Buckner	R. E. Glenn	Oscar Leibson
S. J. Bunger	F. A. Gnau	W. W. Leslie
W. A. Carson	Whitsett Hall	Leon P. Lewis
C. B. Carver	Lawrence Harmon	J. L. Manning
Lee Clark	J. F. Harrison	Shelby Martin
Lonnie Cooper	Goebel B. Henson	A. M. Mercer
J. D. Cox	H. M. Holbrook	H. H. Miller
J. S. Cruse	H. B. Holland	J. S. Milliken

T. R. Moore	Geo. W. Potter	E. J. Snyder
Chas. N. McCarty	W. H. Pryor	J. L. Valandingham
F. T. Nichols	Clint Raymer	Chiles Van Antwerp
Caleb Page	R. R. Rogers	C. D. Vincent
J. J. Patterson	Philip J. Ryan	T. B. Watts
Jas. J. Peters	W. R. Smith	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 17. An Act providing for reviewing judgments of Circuit Courts in penal actions and prosecutions for misdemeanors by the Court of Appeals and repealing all acts or parts of acts in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a defendant against whom a judgment has been rendered in the circuit court in all penal actions and prosecutions for misdemeanors in which the judgment was for a fine for as much as fifty dollars, or for imprisonment exceeding thirty days shall have the right to have such judgment reviewed by the Court of Appeals; and the Commonwealth shall have the same right in all such cases in which a fine for as much as fifty dollars, or confinement for thirty or more days might have been inflicted, both to be done in the manner provided in the next succeeding section.

§ 2. That such right shall be prosecuted by either party in the following manner, to-wit: The party desiring a review of any such judgment shall cause to be prepared by the clerk of the circuit court a record of the proceedings in that court and file same with the clerk of the Court of Appeals within 60 days after the motion for a new trial in the circuit court has been acted upon, or within 60 days after the bill of exceptions is approved and filed as a part of the record, and shall at the same time file a motion for an appeal from the judgment. The defendant if he appeals may at any time during said 60 days supersede the judgment by executing bond before the clerk of the circuit court. If the Commonwealth appeals the transcript shall be filed with the clerk of the Court of Appeals within 60 days from the time the judgment became final, or within the same time after filing the bill of exceptions as a part of the record.

The case will be put on the docket in the same manner and called at the same time as other cases, and will receive the same consideration. If, on considering the case, it appears to the court that error was committed by the lower court prejudicial to the substantial rights of the appellant, the motion to grant an appeal will be sustained and an opinion written; but if it appears that the substantial rights of the appellant were not prejudiced by errors committed in the lower court, and that the judgment should be affirmed, the motion will be overruled without an opinion, unless the court thinks the questions involved of sufficient importance to write an opinion. An order refusing to grant an appeal will have the same effect as no affirmance of the judgment, and if the judgment has been superseded, damages will follow. No petition for a rehearing will be allowed if the motion to grant an appeal is overruled, nor will oral arguments be allowed unless the court, after considering record, decides on its own motion to set the case down for oral argument.

§ 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	H. J. Meyers
W. B. Ardery	Otto C. Gartin	H. H. Miller
Wm. J. Arvin	R. E. Glenn	J. S. Milliken
W. O. Bach	F. A. Gnau	T. R. Moore
T. H. Benton	Whitsett Hall	Chas. N. McCarty
Shaler Berry	J. F. Harrison	Caleb Page
C. H. Berryman	C. W. Hawkins	J. J. Patterson
W. P. Bowman	Goebel B. Henson	Jas. J. Peters
D. F. Brown	H. M. Holbrook	Geo. W. Potter
F. W. Bryant	H. B. Holland	W. H. Pryor
J. R. Buckman	Ira L. Horne	H. A. Pulliam
W. G. Buckner	J. C. Hutcherson	Clint Raymer
S. J. Bunger	E. M. Johnson	R. R. Rogers
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	W. R. Smith
Lonnie Cooper	D. C. Jones	E. J. Snyder
J. D. Cox	W. O. Keller	Frank L. Strange
J. S. Cruse	J. R. Kelly	J. G. Swearengin
J. L. Cushing	Thos. H. King	Mac Swinford
C. L. Daly	Oscar Leibson	J. L. Valandingham
Mormon B. Daniel	W. W. Leslie	C. D. Vincent
J. R. Dorman	Leon P. Lewis	T. B. Watts
E. J. Doss	J. L. Manning	
D. E. Edwards	A. M. Mercer	—70

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 358. An Act providing for the establishment and maintenance of forest reserves; defining forest reserves; providing for the listing, recording, withdrawal, use, transfer of title, administration and taxation of forest reserves; establishing a Forest Reserve Fund; providing for the cutting of timber on forest reserves, for changes in the provisions of this Act and a penalty for the violation of the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Commissioner of Agriculture, together with the State Forester, is hereby vested with the authority and charged with the duties looking to the establishment and maintenance of forest reserves, and said two officers are granted the power jointly to make such rules and regulations, looking to the ends of this law and which may be necessary to accomplish its purposes, as may not be herein particularly set out.

§ 2. A forest reserve is hereby defined to be any tract or combination of adjoining tracts of land in this Commonwealth of not less than 1,000 acres, the surface of which is not used for agricultural, mineral, industrial, recreational, resort or other purposes, and upon which the owner declares his purpose and intention of developing, growing and maintaining a forest, either through the process of planting or natural forestation or both. Such land must in every case in the opinion of the authorities charged with the administration of this act,

be such as is capable of producing a thrifty forest growth, within a reasonable period of time.

In no case shall any lands be listed as forest reserves until it shall be made to appear to the Commissioner of Agriculture or the State Forester that at the time of such preliminary listing there are no taxes or back taxes due on such lands or any part thereof, and in case there be any lien or mortgage against said lands or any of them, or any part of them, same shall not be listed as forest reserves unless and until the lien holder or lien holders shall have joined in the application to establishment thereof as such.

§ 3. The owner of any land in this Commonwealth may make application to the Commissioner of Agriculture to have listed as a forest reserve any such land as will comply with section No. 2 hereof, giving in such application a description of such land by metes and bounds, total acreage, and any and all other information as may be required by the Commissioner, same to be given on form blanks to be furnished by the Commissioner upon application by the landowner.

§ 4. Upon receipt of such application, it shall be the duty of the Commissioner of Agriculture or the State Foresster, either or both, to file and record same, and thereafter to personally by themselves, or duly accredited employees or agents to make inquiry and investigation as to the propriety of finally accepting the land listed as a forest reserve, and after such investigation if it shall be concluded that the particular land shall be accepted as a forest reserve the officers charged with the administration of the Act shall publish its intention to accept and classify same as a forest reserve, together with a description of same in a newspaper published in the county wherein the land lies, in two successive issues of such paper, if weekly, and if daily one day each of two successive weeks or if no paper be published in the county then such publication shall be by notices posted at the Courthouse door. Not later than thirty days after aforesaid publications, any person may in writing protest against the establishment

of any particular piece of land, tentatively listed, being finally accepted as a forest reserve, and upon filing said protest with the Commissioner of Agriculture, he shall set a day for a hearing of said protest and conduct same in the Courthouse of the County in which the land is located, giving notice thereof to the protestants and the applicant; said hearing to be held not later than thirty days after said protest be filed, and of which hearing both sides shall be given not less than five days' notice. The hearing thereon shall be informal, and upon the conclusion either party may appeal de novo to the Circuit Court. In case no protest be filed, the conclusion of the Commissioner and the State Forester shall be final, and the matter shall not thereafter be opened or appealed.

§ 5. In case it be finally determined that the lands listed come within and comply substantially with all requirements as to the establishment of forest reserves as set out in this Act, the Commissioner of Agriculture and the State Forester shall forthwith list such lands as forest reserves in a book to be kept in his department for that purpose, recording same by description and owner, and shall notify the owner of such action giving him the number and page of the book where recorded, and said record book shall at all times be open to the inspection of the public and public officers. The Commissioner shall also certify to the State Tax Commission monthly, a list of such lands as are finally accepted as forest reserves, which said lists shall be kept on file by said Commission, and when all the foregoing provisions have been fully complied with, said and such lands shall be classified and thereafter treated as forest reserves.

§ 6. All such lands as may be finally accepted and duly recorded as forest reserves shall be and become classified as "forest reserves." When all preliminaries have been carried out, and the list of forest reserves filed with and by the State Tax Commission, said Tax Commission shall certify to the County Tax Commissioner of the County wherein such listed

lands lie, giving him sufficient information and description as to enable him to identify same, and said Commissioner shall identify such lands on his assessment books and lists as "forest reserve land," and shall keep such notation until said lands be released from such classification, and after the third year from the passage of this Act the County Commissioner shall keep a separate book for listing such property, and to which shall be transferred all lands previously listed, and on which he shall thereafter list new reservations.

§ 7. It is now declared by the General Assembly that the purpose for which this Act is passed is for the time such reservation be kept listed, of a public nature, and the Tax Commissioner is hereby directed to list for taxation such lands as are classified as forest reserves at a valuation for soil and forest growth not exceeding two dollars and fifty cents ($2.50) per acre, so long as they be thus classified, such land, however, to be liable to all taxes and assessments previously made or due upon same. Coal and other minerals on forest reserves are to be valued and taxed as on other areas within the State.

All lands listed as forest reserves shall be subject to return and sale for non-payment of taxes in the same manner as is now or may hereafter be provided for non-payment on other real property. And after said Tax Commissioner shall have fixed the valuation for tax purposes, may be revised by Tax Supervisors or by the Tax Commission, as is now or may hereafter be provided by law, but without power on the part of any board or body to raise valuation above the maximum fixed above. The taxes collected on such lands shall be collected as other taxes are collected and paid into the State Treasury to the credit of the Forest Reserve Fund, which is hereby created.

A county in which a forest reserve is located shall have the amount of taxes which said county annually pays into the state treasury reduced by the amount of taxes annually assessed upon the forest reserves located within that county.

§ 8. Any owner of land listed as a forest reserve may withdraw his land previously listed from the operation of this Act, in whole or in part, by making written application to the Commissioner of Agriculture, and at the same time tendering to the Commissioner a cash payment equal to the amount of taxes, plus interest at 4%, which would be due on said land from the time of its being listed to the time of its with drawal, less, such taxes as may have been paid upon the land as a forest reserve, such amount to be based on the assessed value of said land for the year prior to its having been listed as a forest reserve and in addition thereto a flat fee of twenty-five cents per acre for each acre withdrawn, and upon the application for withdrawal and payment of the fees and taxes as prescribed, the action shall be certified to the Tax Commission and in turn to the County Tax Commissioner of the County wherein the land lies, and said land shall at once be and become classified as are other lands, and subject to the same taxing laws. Funds resulting from the withdrawal of lands from forest reserves shall be paid one-half to the State Treasurer and one-half to the treasurer of the county in which the land lies and shall be disbursed as other taxes are disbursed.

Provided that such forest reserves shall not be withdrawn after having been listed as long as ten years unless the owner shall pay in addition to fees and taxes above provided, a stumpage tax as is hereinafter prescribed.

§ 9. Any one desiring to cut and remove merchantable forest products from any land that has been listed as a forest reserve shall make application to the officers having the administration of this law for a permit to cut such timber, stating in his application description and descriptions of the area or areas from which forest products are to be cut and approximate amount and stumpage value as near as may be determined of such forest products at the place of such cutting. The officers shall thereupon examine and estimate the timber to be cut and the probable value of the same and certify their estimates to the owner; and thereupon it shall be the duty of

the owner to file with the officer having the administration of this Act, an approved bond in the amount of fifty per cent. of the stumpage value, said bond conditioned that the owner shall pay to the State Treasurer the full amount of any yield or stumpage tax that may be levied upon the forest products cut upon said permit. Upon the filing of such bond the officer, if such officer conclude that the removal of such timber be not contrary to good forestry practice, shall issue a permit and it shall be unlawful for any one to cut or remove forest products from the land registered as a forest reserve until such bond has been given and approved and the permit issued. In case of fraud or for other proper or just cause the forest officer may revoke any permit issued.

As soon as the cut authorized under such permit has been completed, the owner shall at once certify to the office having administration of this Act the actual quantity of each kind and class of products cut, which said certification shall faithfully be verified by said officer or his representative, and who shall likewise at once make a determination of the stumpage value and notify the owner thereof. If said assessment shall not be satisfactory, the owner may protest, whereupon the officer having the administration of this Act shall hold a hearing and may compel the attendance of witnesses, and at such hearing the owner shall likewise be given an opportunity to be heard and to produce witnesses. After said hearing, the officers having administration of this Act shall determine the stumpage value and their determination thereupon shall be final. When such stumpage value of the various products shall have been determined, the officers having in charge the administration of this law will compute the stumpage value of all forest products cut and shall certify such amount to the owner, and the owner shall within ninety (90) days thereafter pay to the Auditor of the Commonwealth, the full stumpage or yield tax due him, as below determined. In arriving at the total stumpage value the officer having in charge the administration of this bill shall fix the fair cash value of such timber

cut in place and upon that value he shall estimate the tax due by levying upon such timber and the value thereof a tax rate of 10% of the stumpage value thereof, and the State shall have a lien on both the land and the cut timber for the said stumpage tax and said lien may follow such timber to any place in or out of the Commonwealth of Kentucky. When such tax shall have been paid to the State Treasurer he shall pay one-half to the Treasurer in the County in which the timber is cut. Such State and County moneys to be distributed as other taxes are distributed.

§ 10. The owner of any land listed as a forest reserve land shall not make any such use of said land as will in any manner or form be prejudicial to its development as a forest reserve and shall not use said land or any part thereof for industrial, recreational, commercial or other purposes, nor shall he enjoy any exclusive privileges of hunting and fishing upon said land; provided, however, that when not detrimental to its development as a forest reserve, game preserve, or other special purposes the department having charge of the administration of this Act may permit the use of such land by the general public for the purposes of hunting and fishing and other purposes under regulations of said department and such law or laws as may then be in force with relation to hunting and fishing.

§ 11. All applications, statements and information required in the administration of this Act, shall be made under oath.

§ 12. The transfer of title of any land listed as a forest reserve shall not affect the status of such land as a forest reserve, but the new owner shall be entitled to the withdrawal privileges as are provided herein for the original owner and this clause shall apply to all owners subsequent to the original applicant.

§ 13. Whenever for any reason it shall appear that the land listed as a forest reserve no longer conforms to the requirements of eligibility as defined in this Act, the depart-

ment having charge of the administration of same shall file with the owner of such land notice of its intention to cancel the listing of such land as a forest reserve; provided, however, that such cancellation order shall not become effective for sixty (60) days, during which time the owner may request and have a hearing as to the facts, which hearing shall be held by the department having the administration of the law and which hearing shall be informal, both parties being allowed to introduce such proof as they may deem appropriate, and the findings thereon shall be final. Copies of the cancellation orders shall be filed by the department having charge of the administration of this Act with the State Tax Commission and with the County Court Clerk of the county in which such lands are situated.

§ 14. Changes in the terms, fees, taxes, or other provisions of this Act as from time to time may be enacted into law shall apply only to such lands as may be listed after such enactments become effective. Owners of land listed under this Act may without prejudice and with the consent of the department having administration of the bill, apply for relisting under such laws as may from time to time be enacted, changing the terms, fees, taxes or other provisions of this Act.

§ 15. The department having in charge the administration enforcement of this Act shall provide appropriate blanks and blank books for carrying out of the intent and purposes of the Act and may charge reasonable fees for the furnishing of application blanks for filing of same, and for recording thereof, said fees to be guided as nearly as possible by such laws as are in force with relation to fees for like services.

§ 16. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished with a fine not to exceed one thousand ($1,000.00) dollars, or by imprisonment in the County jail not to exceed twelve (12) months, or to both such fine and imprisonment, in the discretion of the jury hearing such cases.

§ 17. All Acts or parts of Acts in conflict with this Act are hereby expressly repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	Leon P. Lewis
W. B. Ardery	E. J. Doss	J. L. Manning
Wm. J. Arvin	D. E. Edwards	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	F. A. Gnau	H. H. Miller
Shaler Berry	Whitsett Hall	J. S. Milliken
C. H. Berryman	Lawrence Harmon	B. T. Morris
W. P. Bowman	C. W. Hawkins	L. P. Murphy
D. F. Brown	J. M. Hayse	Chas. N. McCarty
Geo. A. Brown	Goebel B. Henson	J. L. McDavid
F. W. Bryant	H. M. Holbrook	W. J. McGill
J. R. Buckman	H. B. Holland	F. T. Nichols
W. G. Buckner	S. K. Holland	Caleb Page
S. J. Bunger	Ira L. Horne	Smith Park
C. B. Carver	J. C. Hutcherson	J. J. Patterson
Lee Clark	W. W. Johnson	Jas. J. Peters
Lonnie Cooper	D. C. Jones	Geo. W. Potter
Fred H. Coots	Mrs. H. G. Jorris	W. H. Pryor
J. D. Cox	W. O. Keller	H. A. Pulliam
J. S. Cruse	J. R. Kelly	Clint Raymer
J. L. Cushing	Thos. H. King	R. R. Rogers
C. L. Daly	Oscar Leibson	C. W. Ryans
Mormon B. Daniel	W. W. Leslie	Chas. L. Seale

M. G. Slusher	Frank L. Strange	Chiles Van Antwerp
W. R. Smith	Mac Swinford	W. S. Wallen
E. J. Snyder	J. L. Valandingham	T. B. Watts

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Resolved that the title be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 37. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section (3) of Chapter 90 of the Acts of the General Assembly of 1920 be amended and re-enacted, so that said section when amended will read as follows:

Issuance of receipt and registration plate.

(a) Upon filing application and paying the fee as hereinbefore provided, said owner shall be given a receipt containing the registration number and the information included in the application and one plate bearing said number. For services performed the owner shall pay the county clerk the sum of fifty cents for each registration.

(b) Display of Receipt and Registration Plate.—The owner shall have the receipt issued by the commission through the clerk, constantly in his possession, and he shall display the plate issued to him conspicuously upon the rear of said

automobile, keeping it legible at all times said automobile is operated upon a public highway, with the further provision that the plate shall be illuminated when being operated during the hours designated in section 7. Said owner shall not be required to place any other mark of identity upon said automobile. Provided further, that the registration plate for any year shall not be displayed on any automobile after December thirty-first of that year, nor removed before said date, nor shall registration plate of the succeeding year be displayed, before December twenty-ninth of said year.

(c) Duplicate Receipts and Plates.—Should the owner lose his registration receipt, he may obtain a duplicate from the clerk upon filing a written statement to that effect, upon a form furnished by the commission, through the clerk, and for services rendered he shall pay to the clerk a fee of fifty cents. Lost registration plate shall be duplicated by the commission and furnished to the original owner by the clerk. The owner shall make a written statement as to the loss of such a plate and for the plate to be hereafter issued he shall pay the sum of fifty cents for each plate, for which sum or sums the clerk shall thereupon issue his receipt, and for which service the owner shall pay the clerk the sum of fifty cents. The possession of this receipt by the owner will permit him to operate his automobile upon any public highway until such time as he may receive his duplicate plate, provided that he also display his registration number to be printed on a temporary plate, said number to be printed, stamped or painted on heavy card board or other sustantial material, in such manner as to be plainly legible. The clerk, upon receipt of duplicate plate shall immediately notify the owner by mail, and such owner shall within five days return to the clerk the receipt above mentioned and receive the duplicates and for this service the owner shall pay the clerk the sum of fifty cents.

(d) Transfers.—Whenever an automobile which has been previously registered changes ownership, the registra-

tion plate shall remain upon such automobile as a part thereof until the expiration of the registration year, subject, however, to the following provisions:

(1) No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year.

(2) No person shall set or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

(3) No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipt for registration fee for the current year, endorsed as provided for above.

(4) Upon such change of ownership the purchaser as the application for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain, and the purchaser shall accompany same with a transfer fee of one dollar, for which the clerk shall issue a receipt bearing the same date and information as is required on the orginal receipt except the change in name or address. For his services hereunder the purchaser shall pay the clerk a fee of forty cents. Said purchaser shall have in his possession a receipt showing such transfer before said automobile shall be operated on any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future use as such he shall be relieved of the duty of transferring registration by the immediate delivery of registration plates, endorsed receipt and second copy of bill of sale, to the clerk, whereupon the clerk shall immediately return said plates, receipt and copy of bill of sale to the commission, and for these services the purchaser shall pay the clerk the sum of fifty cents.

(e) The bill of sale provided for in this act shall contain the date, vendee's name and post office address, vendor's name and post office address, the occupation of each and the information provided for in subsection (b) of section 2 of this act, and shall be subscribed and sworn to before any officer authorized to administer an oath.

No person for himself or his employe or agent or as an officer of any court, shall sell, trade, transfer or deliver any automobile without at the time delivering to the purchaser thereof a bill of sale executed in triplicate, two copies of which shall be delivered to the purchaser, one of which he may retain as evidence of ownership, the second copy to be delivered to the clerk upon application for original registration or as part of application for transfer or registration. The third copy shall immediately be delivered to the clerk by the seller.

All laws and parts of laws in conflict herewith are herewith repealed.

Mr. Doss offered the following Amendment to said bill, viz.:

Amend S. B. 37 by striking out all of the last clause of sec. 1, subsec. b, beginning with the word "Provided" and inserting in lieu thereof the following: "Provided further, that the registration plate for any year may be removed on or after December 2, of that year and replaced by the registration plate for the succeeding year, but no plate shall be used or displayed after December 31 of the year for which it was intended to be used or displayed."

Said Amendment was agreed to.

Mr. Swinford moved that said bill lie on the table.

Said motion was agreed to.

And so said bill was rejected.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

With the following Senate Amendments, thereto, viz.:

Amend H. B. 227, by adding after subsection 8 of sec. 16 of the printed bill, subsec. (i), which shall read as follows:

Any or all institutions affected by this act are authorized to purchase supplies to provide for current necessities, not to exceed however, the sum of five hundred dollars ($500.00) per month.

All purchasers of said institutions shall report monthly, to the State Purchasing Commission the amounts and costs of said material, supplies, and equipment purchesed by him each and every month and the prices paid for the same; provided further that nothing in this sub-section shall be construed as to preclude or prevent the Purchasing Agent from making purchases of fuel, or other materials, supplies, or equipment through the State Purchasing Commission, wherever, or whenever, in the judgment of said Purchasing Agent the same shall be deemed advisable in the interest of economy.

Amend H. B. 227, by inserting in the original bill the comma after the word "institution" as it appears in line 5, section 4, of the printed bill.

Amend H. B. 227, by adding to section 13 after the word "act" in line 3, the following:

"Nor the Kentucky University or State Normal schools for foods, but said institutions shall make monthly reports to the Commission."

Said Amendment was concurred in.

Said bill as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	J. C. Hutcherson
Wm. J. Arvin	C. L. Daly	Grover C. Johnson
W. O. Bach	J. R. Dorman	W. W. Johnson
T. H. Benton	E. J. Doss	D. C. Jones
Shaler Berry	D. E. Edwards	Mrs. H. G. Jorris
W. P. Bowman	D. W. Fowler	W. O. Keller
D. F. Brown	Otto C. Gartin	J. R. Kelly
Geo. A. Brown	R. E. Glenn	Thos. H. King
F. W. Bryant	F. A. Gnau	Oscar Leibson
J. R. Buckman	Whitsett Hall	W. W. Leslie
W. G. Buckner	Lawrence Harmon	Leon P. Lewis
S. J. Bunger	J. F. Harrison	J. L. Manning
C. B. Carver	C. W. Hawkins	Shelby Martin
Lee Clark	J. M. Hayse	A. M. Mercer
Lonnie Cooper	Goebel B. Henson	H. J. Meyers
Fred H. Coots	H. M. Holbrook	H. H. Miller
J. D. Cox	H. B. Holland	J. S. Milliken
J. S. Cruse	S. K. Holland	B. T. Morris
W. J. Curtis	Ira L. Horne	L. P. Murphy

Chas. N. McCarty	H. A. Pulliam	Mac Swinford
J. L. McDavid	C. W. Ryans	J. L. Valandingham
W. J. McGill	M. G. Slusher	Chiles Van Antwerp
Caleb Page	W. R. Smith	C. D. Vincent
Jas. J. Peters	E. J. Snyder	T. B. Watts
Geo. W. Potter	Frank L. Strange	
W. H. Pryor	J. G. Swearengin	—76

There voted in the negative—

Mormon B. Daniel —1

Mr. Milliken moved tht the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed a resolution which originated in that body of the following title, viz.:

S. Rec. 38. Resolution "declaring it the sense of the General Assembly of the State of Kentucky that unjust and discrimnatory freight rates should not be imposed upon shipments of coal from Kentucky mining districts."

Said resolution is as follows, viz.:

Senate Joint Resolution.

"Declaring it the sense of the General Assembly of the State of Kentucky that unjust and discrimnatory freight rates should not be imposed upon shipments of coal from Kentucky mining districts."

Whereas, there are pending before the Interstate Commerce Commission petitions filed by coal shippers of the Pennsylvania, Ohio, Indiana and Illinois mining districts seeking to further increase the spread or differences in freight rates to their interest and to the disadvantage and detriment of Kentucky coals; and,

Whereas, the existing freight rates on coal shipments from the mining districts of Kentucky are already in excess of rates from Pennsylvania, Ohio, Indiana and Illniois districts, and are discrimnatory against the shippers of Kentucky coal and a further increase of said freight rates would place additional unreasonable burdens on the coal industry of this State; and,

Whereas, approximately forty million tons of coal are shipped annually from Kentucky, practically all of which is sold in keen competition with the coals from Pennsylvania, Ohio, Indiana and Illinois, the imposition of higher freight rates or further increase in the spread or differences in said freight rates would largely eliminate Kentucky coal from competition in the markets of the North, Northwest, East and Northeast, therefore,

Be it resolved by the State of Kentucky, the House of Representatives concurring, therein:

That any further increase of the differentials in freight rates for the transportation of Kentucky coal to the consuming markets would mean economic disaster to the coal industry of Kentucky.

That the suspension of Kentucky mines would be attended by the consequent unemployment of labor both in the mining industry and also railway employees and other industries which will be affected, resulting in undue hardships upon one-fourth of the state's citizenship.

That the coal consumers of the North, Northwest, East and Northeast would be denied the opportunity to purchase the high grade of coals of Kentucky and would be forced to buy the inferior coals of other districts.

That it is the sense of the General Assembly that further to extend or widen the existing differentials would be unfair, unjust, discrimnatory and prejudicial to the industries of Kentucky and their employees.

That the General Assembly of Kentucky respectfully represents to the Interstate Commerce Commission that the economic life and public welfare of a great portion of our State has been placed in jeopardy by this apparent effort to exclude Kentucky coals and eliminate their competition in the consuming markets enumerated herein.

Said resolution was adopted.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 234. An Act to regulate letting, hiring and using motor vehicles and to prevent the improper and unauthorized use of, or fraud, misrepresentation or deception by those letting or procuring such vehicles and fixing the penalties for violating.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whoever, with the intent to defraud, shall let a motor vehicle, the hire of which is determinable either in whole or in part by the distance such motor vehicle travels, knowing that the hubdometer or other mechanical device attached to such motor vehicle or any part thereof for the purpose of registering the distance that such motor vehicle travels, does not correctly register the distance such motor vehicle travels, or who shall knowingly deceive any person or persons hiring any motor vehicle as to the distance such

motor vehicle has traveled during the period of hiring, and shall make a charge for the use thereof, based either in whole or in part upon such deception, shall, upon conviction, be guilty of a misdemeanor and be subject to imprisonment in the county jail for a period of not less than thirty (30) days nor more than twelve (12) months, or be fined not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars, or be both fined and imprisoned.

§ 2. Whoever lets a motor vehicle to any person to operate upon any public highway or street, knowing that such person is in an intoxicated condition, or under the influence of drugs, shall, upon conviction, be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for a period of not less than thirty (30) days, nor more than twelve (12) months, or shall be fined not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars, or shall be both fined and imprisoned.

§ 3. Whoever, after hiring a motor vehicle from any person or persons under an agreement to pay for the use of such motor vehicle a sum of money determinable either in whole or in part upon the distance such motor vehicle travels during the period for which hired, shall, with the intent to deceive the person or persons letting such motor vehicle or such person's or persons' lawful agent as to the actual distance such motor vehicle traveled during the period for which let, remove, or attempt to remove, tamper with or atempt to tamper with, or in any otherwise interfere with any hubdometer or other mechanical device attached to said hired motor vehicle for the purpose of registering the distance such motor vehicle travels, or shall knowingly aid, abet or assist another in so doing, or shall remove, or attempt to remove, from such motor vehicle any part thereof upon which is attached such hubdometer or such other mechanical device, shall, upon conviction, he deemed guilty of a misdemeanor and shall be punished by imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days or shall be fined

not more than two hundred dollars ($200.00) nor less than fifty ($50.00) dollars or shall be both fined and imprisoned.

Any person violating the above section may be punished in the county where such motor vehicle is hired or in the county where such hubdometer or such other mechanical device is removed, or attempted to be removed or tampered with, or attempted to be tampered with, or in any otherwise interfered with, or in the county where such persons knowingly aids, abets, or assists another in violating the provisions of the above section, or in the county where any part of such motor vehicle upon which is attached such hubdometer, or such other mechancal device, is removed, or attempted to be removed.

§ 4. Whoever, with the intent to deprive or defraud the owner of any motor vehicle, or the person in lawful possession thereof, out of the temporary use, or benefit, or enjoyment of such motor vehicle, shall obtain the custody of such motor vehicle from the owner thereof, or from such owner's agent, or from any person in lawful possession thereof, by some trick, or fraudulent or false representation, or any false token or writing, or false personation of another, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished with imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days, or shall be fined not more than two hundred ($200.00) dollars nor less than fifty dollars, ($50.00) or shall be both fined and imprisoned.

§ 5. Whoever, with intent to defraud the owner of any motor vehicle, or any person in lawful possession thereof, hires from such owner, or such owner's agent, or any person in lawful possession thereof, any motor vehicle shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days, or shall be fined not more than two hundred ($200.00) dollars, nor less than fifty ($50.00) dollars, or shall be both fined and imprisoned. The refusal to pay the hire of such motor vehicle,

or absconding without paying or offering to pay such hire, shall be prima facie evidence of such fraudulent intent.

§ 6. Whoever, after hiring a motor vehicle under an agreement to re-deliver the same to the person letting such motor vehicle at the termination of the period for which let, shall without the consent of the person letting such motor vehicle, or such person's duly authorized agent, or the owner of such motor vehicle, abandon or willfully refuse or neglect to re-deliver same to the latter as agreed, shall, upon conviction, be guilty of a misdemeanor and shall be imprisoned in the county jail for not more than twelve (12) months nor less than six (6) months, or shall be fined not more than five hundred ($500.00) dollars, or less than one hundred ($100.00) dollars, or shall be both fined and imprisoned.

§ 7. Whoever, embezzles or fraudulently converts to his own use, or secretes, with intent to embezzle or fraudulently convert to his own use, any motor vehicle delivered to him, which may be the subject of larceny, or any part thereof, shall be deemed guilty of larceny.

§ 8. Whoever, after hiring a motor vehicle under an agreement not to permit another to operate or drive same, shall, without first securing the consent of the latter thereto, or the latter's duly authorized agent, permit another to operate or drive same, shall be guilty of a misdemeanor and shall be punished by imprisonment not more than six (6) months, or shall be fined not more than two hundred ($200.00) dollars or shall be both fined and imprisoned.

§ 9. If any section of this act should be held to be unconstitutional, such decision shall not affect the remainder of this act.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
J. H. Baughman
T. H. Benton
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
D. E. Edwards
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
A. M. Mercer
H. H. Miller
J. S. Milliken
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
Caleb Page
Smith Park
J. J. Patterson
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
J. L. Valandingham
Chiles Van Antwerp
W. S. Wallen

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Those who voted in the negative were—

Mac Swinford T. B. Watts —2

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 40. An Act to amend, revise and re-enact section 2251 of chapter 74, article 11, Kentucky Statutes, Carroll's Edition, 1915, relating to juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2251, of chapter 74, article 11, Kentucky Statutes, Carroll's edition, 1915, be and the same is hereby amended by striking out the word "two" in line 2 and insert in lieu thereof the word "three" and also strike out the figures "$2.00" in parentheses in same line and insert in lieu thereof the figures "$3.00," so that said section when amended will read as follows:

"Section 2551. Grand jurors shall be paid for their services each three dollars ($3.00) per day, and shall not remain in session longer than six days at any term, unless by order, entered of record by the court, they are permitted to sit longer."

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
W. B. Ardery	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	J. O. Evans	B. T. Morris
W. O. Bach	D. W. Fowler	Chas. N. McCarty
J. H. Baughman	Otto C. Gartin	J. L. McDavid
T. H. Benton	F. A. Gnau	W. J. McGill
Shaler Berry	Whitsett Hall	Caleb Page
C. H. Berryman	Lawrence Harmon	Smith Park
W. P. Bowman	J. F. Harrison	J. J. Patterson
D. F. Brown	C. W. Hawkins	Jas. J. Peters
Geo. A. Brown	Goebel B. Henson	W. H. Pryor
F. W. Bryant	H. M. Holbrook	Clint Raymer
J. R. Buckman	H. B. Holland	R. R. Rogers
W. G. Buckner	S. K. Holland	C. W. Ryans
S. J. Bunger	Ira L. Horne	Chas. L. Seale
W. A. Carson	J. C. Hutcherson	M. G. Slusher
C. B. Carver	Grover C. Johnson	W. R. Smith
Lee Clark	W. W. Johnson	E. J. Snyder
Lonnie Cooper	D. C. Jones	Frank L. Strange
Fred H. Coots	Mrs. H. G. Jorris	J. G. Swearengin
J. D. Cox	J. R. Kelly	J. L. Valandingham
J. S. Cruse	Thos. H. King	Chiles Van Antwerp
W. J. Curtis	Oscar Leibson	C. D. Vincent
J. L. Cushing	Leon P. Lewis	W. S. Wallen
C. L. Daly	J. L. Manning	T. B. Watts
Mormon B. Daniel	Shelby Martin	—77

Those who voted in the negative were—

J. R. Dorman	L. P. Murphy	Geo. W. Potter
R. E. Glenn		—4

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 336. An Act providing for the quarantining of diseased and infected trees, plants and parts of plants, for the inspection of trees, plants and parts of plants, for the registration of tree dealers and agents, for the inspection and certification of nurseries, for the appropriation of $5,000 for the carrying out of the provisions of this act, and for the repeal of all acts and parts of acts in conflict with this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Agricultural Experiment Station through its Entomologist and Botanist, in addition to other duties be empowered to establish and maintain quarantines against the importation into Kentucky and against the transportation within the state, of any trees, plants and parts of plants, whether nursery-grown or not, from any state or territory, or from any county within the state, where such plants or parts of plants are known t obe infected or infested with dangerous insect pests or plant diseases and that said Entomologist, with the advice, counsel, and consent of the State Commissioner of Agriculture and the Director of the Kentucky Agricultural Experiment Station, is hereby authorized to announce and enforce such quarantines whenever in his judgment it becomes necessary, designating in such announcements the area quarantined against, whether constitut-

ing a part of this state or of some other state or territory. The State Entomologist with the advice, counsel, and consent of the State Commissioner of Agriculture and the Director of the Kentucky Agricultural Experiment Station shall have the power to prescribe, modify, and enforce such rules, regulations and orders as may be needed to carry out the provisions of this act and may publish such other information as may seem desirable concerning the inspections and concerning such insects and diseases as are covered by this act, such rules, regulations, and other information to be printed from time to time and furnished to interested parties. Said Entomologist and Botanist shall, for the purposes of this act, be and he is hereby declared to be the State Entomologist and shall serve without pay other than that he may receive as an officer of the Kentucky Agricultural Experiment Station, but his expenses shall be paid and that of his assistants as hereinafter provided.

§ 2. Whenever the State Entomologist, or his deputy, has reason to believe, or is credibly informed that at any place within the state there has been introduced, or offered for sale, trees, plants or parts of plants infected or infested with diseases or destructive pests that are liable to spread to the injury of farmers, fruit growers, or others, it shall be his duty to make an investigation of the suspected articles and premises and if they are found so infested or infected, shall notify, in writing, the owner or possessor, of the nature of the infestation, specifying the insects or diseases that have been found and demanding that within a reasonable specified time the infected or infested articles or premises shall be disinfected, or destroyed by fire, under the direction of the State Entomologist, or his deputy, or assistant, and at the expense of the owner or possessor.

§ 3. All nurseries in Kentucky, where trees, vines plants or other nursery stock are grown and offered for sale, shall be inspected by the Entomologist and Botanist of the Kentucky Agricultural Experiment Station, or by his assistant, once

each year at such time as he may elect, and he shall notify, in writing, the owners of such nurseries of the presence of any San Jose scale or other dangerous pests on the stock of such nurseries, and shall also notify, in writing, the owner of any affected stock that he is required, on or before, a certain day to take such measures for the destruction of such insect or fungus enemies of nursery stock as have been shown to be effectual for this purpose.

§ 4. The owner of this infected nursery shall, within the time specified, take such steps for the destruction of San Jose scale, or other injurious insect or fungus enemies present, as will exterminate the same and it shall be a misdemeanor to ship or deliver any such stock before treatment, punishable by a fine hereinafter provided for every offense, the fine recoverable before any court of competent jurisdiction of the county in which the nursery is situated, or of that to which such stock may have been shipped.

§ 5. When the State Entomologist examines any trees, vines, plants or other nursery stock in this state under the provisions of this act and finds such nursery stock free from San Jose scale and other dangerously injurious insect and fungus enemies, he is hereby authorized and directed to make out and deliver, in writing, to the owner of such stock a certificate stating that he has inspected such stock and that the same is believed by him to be free from San Jose scale and other dangerously injurious insect and fungus enemies, and he shall keep in his office for the information of any one interested in the matter a copy of all valid certificates issued by him.

§ 6. Whenever a nurseryman or seller of trees, vines, plants or other nursery stock, who is a resident of this Commonwealth, shall ship or deliver any such goods, he shall send on each package so shipped or delivered a printed copy of the certificate issued to him by the State Entomologist stating that the stock has been inspected as required by the law and

is believed to be free from San Jose scale or other dangerously injurious insect or fungus enemies.

§ 7. Every non-resident nurseryman or other person intending to ship into Kentucky, trees, plants or parts of plants, whether nursery-grown or not, is required to file with the State Entomologist a copy of a valid certificate from a state or government inspector showing that said trees, plants, or their parts have been inspected and that he is authorized to sell and ship or transport such trees or plants. All packages of trees, plants, or part of plants must bear a copy of a certificate of inspection from an official inspector. Transportation companies within the state are required to notify the State Entomologist at once when any such trees, or plants are received by them without a valid certificate. Nursery stock or other trees, plants, or parts of plants found to have been shipped into Kentucky in violation of state or federal quarantine laws may be seized and destroyed or returned to the shipper at the expense of the owner or possessor.

§ 8. Each resident nursery or agency selling nursery stock in Kentucky shall annually file credentials with the office of the Kentucky State Entomologist and if these credentials are satisfactory shall, upon payment of a fee of five dollars ($5.00), be issued a permit authorizing said nursery or agency to do business in the state. Each non-resident nurseryman or nursery firm and each agent, dealer, or seller of trees, representing non-resident nurseries, or sellers, shall be required to file annually with the State Entomologist satisfactory credentials, including the names of nurseries, nurserymen, or persons, represented, and on payment of a fee of five dollars ($5.00) shall be issued a permit. If, however, the credentials in any case are not satisfactory it shall be the duty of the State Entomologist, the Director of the Experiment Station and the State Commissioner of Agriculture concurring, to refuse to issue said permit. Any person soliciting orders for or delivering trees or plants in Kentucky shall be required to carry with him a copy of his Kentucky permit, to

be shown prospective buyers, purchasers, county officials, or agents of the State Entomologist, on demand. All fees paid under this provision shall be applied on necessary expenses incurred in carrying out the provisions of this act.

§ 9. Any one violating any of the provisions of this act or offering any hindrance to the carrying out of its provisions shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction in the Commonwealth shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense.

§ 10. The sum of twenty-five hundred dollars ($2,500.00) annually, or as much thereof as may be needed, is hereby apropriated to pay the expenses of carrying out the provisions of this act, including the establishing and maintaining of quarantines, traveling expenses, inspections of all sorts required by the State Entomologist in the performance of his duties, the printing of bulletins, circulars, reports, and the payment of the salary of a Deputy Entomologist and assistants, hereby provided for, and who shall be appointed by the State Entomologist. The salary and other necessary expenses for the enforcement of the act shall be paid from the sum appropriated, by warrant upon the Auditor of Public Accounts drawn by the State Entomologist, and countersigned by the business agent of the University of Kentucky, and said business agent shall keep proper records and vouchers on file in his office for all receipts of fees and all expenditures.

§ 11. Be it enacted that this act shall be in force ninety (90) days after its passage, and that the nursery inspection law entitled "An act to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungi," enacted at the special session of the General Assembly in 1897 and all acts and parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	R. E. Glenn	J. S. Milliken
W. B. Ardery	F. A. Gnau	B. T. Morris
W. O. Bach	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	J. M. Hayse	Smith Park
D. F. Brown	Goebel B. Henson	W. H. Pryor
W. G. Buckner	H. M. Holbrook	Clint Raymer
C. B. Carver	H. B. Holland	R. R. Rogers
Lonnie Cooper	S. K. Holland	Philip J. Ryan
Fred H. Coots	J. C. Hutcherson	C. W. Ryans
J. D. Cox	Grover C. Johnson	M. G. Slusher
J. S. Cruse	W. W. Johnson	Frank L. Strange
C. L. Daly	Mrs. H. G. Jorris	J. G. Swearengin
Mormon B. Daniel	J. R. Kelly	Mac Swinford
J. R. Dorman	Thos. H. King	J. L. Valandingham
E. J. Doss	Oscar Leibson	Chiles Van Antwerp
D. E. Edwards	W. W. Leslie	C. D. Vincent
J. O. Evans	Leon P. Lewis	W. S. Wallen
D. W. Fowler	A. M. Mercer	T. B. Watts
Otto C. Gartin	H. H. Miller	—65

Those who voted in the negative were—

J. R. Buckman	W. A. Carson	E. J. Snyder
S. J. Bunger		—4

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 79. An Act relating to and amending the charter of cities of the first class and referring in this title to sections of the Kentucky Statutes, Carroll's Edition 1922, and Acts of the General Assembly amendatory to said statutes, and providing that the short title to this act shall be, "City Government Bill—Cities of the First Class;" defining the meaning of the words "Legislative body," "general council," and "board of aldermen," when used in laws relating to and in connection with cities of the first class; amending Section 2747, relating to officers of said cities and penalties for making false entries in their books or for misapplying funds or property of the city so that the provisions of said section will be general in their application to any officer, repealing and re-enacting Section 2748, relating to terms of office of officers, and providing generally how long officers shall hold office; repealing and re-enacting Section 2755, relating to inspection of weights and measures, and providing for the inspection of weights and measures, the appointment and compensation of inspectors, and penalties; repealing and re-enacting Section 2756 relating to the election or appointment, terms of office, duties and compensation of officers and agents of said cities; repealing and re-enacting Sections 2765, 2766, 2767, 2768, 2770, 2771, 2772, 2773, 2775, 2777, 2778, 2779, 2781, relating to the legislative department of said cities, and changing the legislative body thereof from a bicameral legislative body, to a single legislative body to be styled the "board of aldermen;" fixing the times when said change shall become effective, preserving the present plan of organization of said legislative depart-

ment until said change becomes effective; and prescribing the number, qualifications and compensation of the members of the legislative body, and its powers and duties; repealing and re-enacting Section 2784, relating to the executive department of said cities, and adding commissions; repealing and re-enacting Section 2794, relating to removal of officials appointed by the mayor, and regulating their removal, repealing and re-enacting Section 2801, relating to the appointment, supervision and duties of the city buyer, and providing for his appointment and supervision; repealing and re-enacting Sections 2802 and 2803, relating to the board of public works and board of public safety, and abolishing said boards, effective from and after the election at the regular November election and the qualification of the mayor in such city in the year 1929, and establishing, effective at the time aforesaid, executive departments of public works, public safety, public finance, public welfare, public health, and law and providing for the organization and administration of such departments, the appointments, qualifications and compensation of directors thereof, and imposing the powers and obligations and duties vested in said boards upon the respective departments and directors and officials thereof appointed in succession to said boards; amending, revising and re-enacting Sections 2805 and 2806, relating to the election of chairman of, place of meeting of and powers of members of executive boards, and repealing said sections as of the time said boards cease to exist; repealing and re-enacting Section 2810 relating to the appointment of chiefs of departments under the boards of public work and public safety, and providing the manner in which, when said boards cease to exist and are succeeded by new executive departments, chiefs of divisions of the several executive departments and the officers and employes thereof shall be appointed and removed, and placing the division of engineering of said cities under the supervision and control of the director of works, when said director is appointed, and providing for the examination of applicants for the office of

chief engineer, and for the appointment of a chief engineer and assistant engineers; repealing and re-enacting Section 2822, relating to approval of contracts for expenditures, and regulating the manner of approving expenditures and contracts; amending, revising and re-enacting Sections 2824 and 2825, rleating to the board of public works and further providing for the organization and administration of the department of public works, and defining the rights, powers and duties of said board, and said department and the director of works, repealing and re-enacting Section 2834, relating to lien for cost of construcing public ways, sidewalks, wells and cisterns, method of payment and enforcement, and ordinances concerning and making said section conform to the change in the legislative body and establishment of executive departments in said cities; repealing and re-enacting Section 2839, relating to apportionment warrants and liens securing same in said cities, and regulating the issuance of apportionment warrants for which liens are given for said improvements, conforming said section to the changes in the form of legislative and executive branches of the government of said cities, and providing that the legislative body may, in its discretion, provide by ordinance that any original construction of streets, alleys and public ways in such cities shall be made on the ten payment plan, authorizing the issuance and sale of improvement bonds for the payment of such construction, and the levy, assessment, and collection of taxes therefor, giving a lien to secure such levy and bonds, and prescribing options of the property owners relative to the payment of such taxes, and providing penalties for default in payment of any installment when due, and for the judicial enforcement of the liens securing the bonds and levy; amending, revising and re-enacting "An Act of the General Assembly of 1922, in Chapter 22, being an act entitled: 'An Act to amend an act entitled, An Act for the government of cities of the first class,' approved July 1, 1893, so as to enlarge the powers of cities of the first class and to provide for the elimination of grade crossings of

the public streets of such cities at grade over the tracks of steam or electric railroads, giving the board of public works power to order and contract for the elimination of such crossings and power to provide for the character of crossing to be substituted therefor, and to designate the plans, specifications and terms under which said work is to be done; and further to provide for the method of apportioning the cost of such grade eliminations as between such cities and the railroad companies and city railway and interurban railway companies affected thereby," approved March 20,1922, and making said act conform to the changes in the form of the legislative and executive branches of the government of said cities; amending and re-enacting an Act of the General Assembly of 1924 in Chapter 85, being an Act entitled "AN ACT to enable cities of the first class to issue bonds for the purpose of elimination of grade crossings of public streets over tracks of steam or electric railroads," approved March 29, 1924, and making said act conform to the changes in the form of the legislative and executive branches of the government of said cities; repealing and re-enacting Sections 2841, 2842, 2843, and 2844, relative to parks and the board of park commissioners, in said cities, changing said offices from elective to appointive offices, effective at the expiration of the terms of office of the present elected members, and providing thereafter for the appointment, qualifications, terms of office and number of members of said commission, the filling of vacancies, the oath to be taken by such commissioners, and the levy and collection of taxes for park purposes; repealing and re-enacting Section 2861, relating to the board of public safety in said cities, number of members, salary and powers, when said board shall cease to exist, and further providing for the organization and administration of the departments of public safety, public welfare and public health, effective from and after the elections at the regular November election and qualification of the mayor in such cities in the year 1929, and defining the rights, powers and duties of said departments and directors

thereof; amending, revising and re-enacting Section 2862, relating to the government of penal and charitable institutions, and further providing for the organization and administration of the departments of public welfare and public health, effective as aforesaid, and defining the right, power and duties of said departments and the directors thereof, and providing for the location of such institutions by the legislative body; repealing and re-enacting Section 2863, relating to the location of penal and charitable institutions of said cities, and making said section conform to the changes in the form of the executive and legislative branches of the government of said cities; repealing and re-enacting Section 2864, relating to deduction from time of persons confined and providing that said section shall cease to have effect and stand repealed when the board of public safety ceases to exist; repealing and re-enacting Sections 2865, 2867, 2870, 2871, 2872, and amending and re-enacting Sections 2866, 2868, 2873, 2874, 2875, 2879, 2880, 2881, 2883, 2884, 2893, 2895, relating to the police and fire departments of said cities, providing for the continuance of the police department, as organized under the board of safety, after said board ceases to exist, until said department is reorganized in accordance with the provisions of this act, and conforming said sections to the changes in the form of the executive and legislative branches of the government of said cities, and providing for the reorganization and establishment of the division of police department under the department of public safety when established, the appointment of the chief of policemen and the chief of firemen and assistant chiefs, and for the appointment and compensation of members of the divisions of police and fire departments, for the creation of a civil service board of four appointed members, with the mayor as a member exofficio, with power to vote in case of a tie, and the appointment, qualifications, bonds, terms of office, removability and compensation of the appointed members of said board, for the levy and assessment of taxes to support said board, and defining the rights, powers and duties of said

board, with reference to said divisions, and providing for the organization, reorganization and administration of said divisions, and defining the powers and duties of the director of safety and the chiefs of said divisions of police and fire departments and officers and members thereof, and making the violation of Section 2866, as herein re-enacted, a misdemeanor, and providing penalties for the violation thereof, and providing that Sections 2871, 2881, 2883, 2893, 2895, shall cease to have effect and stand repealed when the board of public safety ceases to exist and the department of public safety is established, and fixing the times when the changes provided for become effective; amending, revising and re-enacting Section 2882, relating to the police force of said cities, and disciplinary measures applicable thereto, and providing for the period of time within which limitation of actions and proceedings for the recovery of money or for reinstatement in said division of police department may be brought; repealing and re-enacting Sections 2896a-3, 2896a-4, 2896a-5, 2896a-6, 2896a-8, 2896a-9, 2896a-11, 2896a-12, 2896a-13, 2896a-16, 2896a-18, 2896a-20, 2896a-27, and amending and re-enacting Sections 2896a-7, 2896a-10 and 2896a-17, relating to the government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children, and dependent fathers and mothers, and to create and perpetuate a board of trustees for the managament and conduct thereof, and to pension members thereof after a service of a term of years, and to provide for the creation, control and disposition, through trustees, of a fund to be used in pensioning, under certain conditions, firemen and the families of deceased firemen, in cities of the first class; and further providing for the continuance, reorganization, organization and the administration of the division of fire department, under the department of public safety, when established under the provisions of this act, and defining the rights, powers and duties of the department of public safety, the director thereof, and the officers

and members of said division, and defining the offense of refusal to grant right of way to officers and members of such division, and providing penalties therefor, and providing for the continuation of the board of trustees of the firemen's pension fund, and defining the rights, powers and duties of city officials, and of the board of trustees of such fund and its employees, and of the members of the division of fire department, with reference to such fund, and providing for and regulating the administration, disposition and payment of such pension fund; amending, revising and re-enacting Sections 2897, 2898 and repealing and re-enacting Sections 2899 and 2900, relating to the office of comptroller, and abolishing from and after the November election in the year 1929 said office, and creating and establishing from and after said time the office of comptroller and inspector, and providing for the manner in which he shall be chosen and compensated, and defining the term of office, the obligations, rights, powers and duties of said comptroller and inspector, and providing that when the office of comptroller ceases to exist, as provided, the provisions of Sections 2898, 2899 and 2900 shall cease to have effect and stand repealed; amending, revising and re-enacting Section 2901, relating to the office of auditor, and abolishing said office at the expiration of the term of office of the present incumbent, and providing thereafter for the appointment and compensation of accountant, defining the rights, powers and duties of such accountant; amending, revising and re-enacting Section 2902, relating to the office of treasurer, and abolishing said office at the expiration of the term of office of the present incumbent, and thereafter conferring the rights, powers and duties of that office upon the director of finance, appointed as provided in this act, defining the rights, powers and duties of said director, and further providing for the organization and administration of the department of public finance, and defining the rights, powers and duties of said department and the director thereof; amending, revising and re-enacting Sections, 2909 and 2910, relating to the city attor-

ney and assistant attorneys, providing for the organization and administration of the department of law of said cities, fixing the time when same shall be done, providing for the compensation of the officers of said department, abolishing, as of the date when the said department of law is established, the offices of city attorney and assistants, and imposing their powers, obligations and duties upon the said department and officers thereof, and defining the powers and duties of said department and director and members thereof; amending, revising and re-enacting Sections 2911, 2935, 2937, 2938, 2940, 2941, 2943 and 2944, and repealing and re-enacting Section 2942 relating to police court and officials thereof, and providing for a judge and other officers of the police court, the election and term of office of said judge, and abolishing, at the expiration of the term of office of the present incumbent, the office of prosecuting attorney, and imposing thereafter the powers, obligations and duties of that office upon the department of law and members thereof, when established as provided by this act, abolishing, at the expiration of the term of office of the present incumbents, the office of bailiff and deputy baliffs, and imposing thereafter the powers, obligations and duties of those offices upon the division of police department, as provided in this act, and providing that, upon the expiration of the term of office of the present clerk of said court, the said office shall cease to be elective and shall become appointive; repealing and re-enacting Section 2916, relating to confinement in the workhouse or county jail, payment of fine by work, and deduction of time for good behavior; repealing and re-enacting Sections 2921, 2930, 2931, and 2932, and amending, revising and re-enacting Section 2947, relating to the police court and officials thereof and the office of bond recorder, and abolishing the office of bond recorder, at the expiration of the term of office of the present incumbent, and thereafter imposing the duties of that office upon the clerk of the police court of said cities, and further defining the obligations, powers and duties of the clerk and deputy clerks of

the police court, prescribing the penalties for the violation of such duties, and providing for the appointment and compensation of said clerk and deputies, filling vacancies in said offices, and the disposition of fees collected by said clerk; amending revising and re-enacting Section 2948, relating to the office of live stock inspector of said cities, and abolishing said office from and after the November election in the year 1929, and creating thereafter the office of meat inspector, and providing for the appointment and supervision of such inspector and assistant, and defining their powers, duties and compensation; repealing and re-enacting Section 2981 relating to ordinances fixing the tax rates, method of sub-dividing, levy and conforming said section to the changes referred to in this title, in the governmental administration of said cities; repealing and re-enacting Section 2982 as amended by an Act of the General Assembly of 1922, in Chapter 68, being an act entitled "An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Section 197 of the Act approved July 1, 1893, entitled 'An Act for the government of cities of the first class,' as amended by Section 2 of the act approved March 16, 1898, entitled "An Act to amend an act entitled "An Act for the government of cities of the first class," approved July first, eighteen hundred and ninety-three; and providing for the borrowing, by such cities, of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans,' approved March 23, 1922, expenditures, limit of deficit tax, unexpired balances, borrowing of funds and pledging of current taxes and revenues to secure loans, and conforming same to the changes referred to in this title, in the governmental administration of said cities; amending, revising and re-enacting an act of the General Assembly, approved March 23, 1920, being Chapter 86 of the Acts of 1920, entitled, "An Act to enable cities of the first class to construct additions and make more perfect their systems for the disposition of sewage, and to amend and re-enact Section 14 of an act entitled, 'An Act to enable cities

of the first class to construct an extension to their systems for the disposition of sewage,' approved March 18, 1912," relating to the construction and extension of sewage systems in said cities, and providing for the appointment and personnel of the sewerage commission, and making changes relating thereto, fixing the time when said changes become effective, so as to conform said act to the changes referred to in this title, in the governmental administration of said cities, and defining the powers and duties of said commission and the powers and duties of the mayor and director of works with reference thereto; amending and re-enacting Sections 3037c-2 and 3037c-4, relating to the "board of tuberculosis hospital," and providing for the appointment and personnel of said board, and defining the powers and duties of said board and the powers and duties of the mayor and director of health with reference thereto and conforming said sections to the changes, referred to in this title, in the governmental administration of said cities, making the director of health, when appointed, member ex-officio of said board in place of the mayor; amending, revising and re-enacting Sections 3037f-3, 3037f-6, 3037f-8, 3037f-9, and 3037f-10, as amended by an Act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90 entitled "An Act to amend Section 3037f, Carroll's Kentucky Statutes, 1922 Edition, relating to the registration of plumbers and the supervision and inspection of plumbing and draining in the cities of the first class, making it apply to cities of the second class as well as the first," neither approved nor disapproved, relating to plumbers and plumbing and a board of examiners of plumbers, and providing for the appointment and compensation of the members of said board and the chief plumbing inspector and his deputies, and defining the powers and duties of said board and inspectors, making changes so as to conform said sections to the changes in the governmental administration of said cities, and defining the powers and duties of the director of health with reference thereto; repealing and

re-enacting Section 3037g-80 relating to tenement houses in said cities and disagreements between executive boards or departments, and providing the manner of settling disagreements; repealing and amending Sections 2787, 2788, 2789, 2791, 2795, 2801a-2, 2801b-6, 2801b-10, 2804, 2807, 2808, 2809, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2823, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2833a, 2836, 2837, 2838, 2860-1, 2860-2, 2860-3, 2872a-4, 2872a-12, 2872a-13, 2876, 2877, 2878, 2886, 2888, 2890, 2892, 2894, 2903, 2904, 2917, 2926, 2948a-3, 2978a-25, 2980, 3000, 3003, 3004, 3010-3, 3010-4, 3024; and amending, revising and re-enacting Sections 2872a-2, 2872a-3, relating to cities of the first class and making formal changes of words and phraseology therein, so as to make said sections conform to the change in the legislative body and the creation, organization, reorganization and establishment of executive departments, boards, offices and commissions of said cities, referred to in this title, and succeeding to the powers, obligations and duties of departments, boards and offices abolished as provided in this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The short title to this act shall be, "City Government Bill—Cities of the First Class."

§ 2. The words "legislative body" as used in this act shall be held to mean the present general council of any city of the first class. When said general council shall have ceased to exist, as provided herein, the "legislative body" shall mean the legislative body created by this act. From and after the time that the present general council shall have ceased to exist, as provided herein, the words "legislative body" and "general council" and "Board of Aldermen," wherever and whenever used and appearing in the laws of this state, relating to cities of the first class, shall be held to be synonymous terms and to mean the legislative body of said cities.

§ 3. That section 2747 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended by

striking therefrom the words "auditor, tax receiver, treasurer, or comptroller, or other," so that when amended said section shall read as follows:

If any officer, or assistant or deputy of such officer, of said city, shall make or knowingly permit others to make a false entry in his books, or shall allow or disallow any item or items, or shall knowingly fail to make any proper entry in his books, with intent to cheat or defraud said city, or any person or corporation, or shall embezzle or knowingly misapply or withhold any money or property of any kind belonging to said city, or coming into his hands officially, such officer, assistant or deputy, shall, upon conviction thereof, be confined in the penitentiary of this Commonwealth not less than two nor more than ten years.

§ 4. That section 2784 of the Kentucky Statutes (Carroll's edition 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

All officers who have qualified shall hold their offices until their successors are elected or appointed and qualified as provided in this act.

§ 5. That section 2755 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The legislative body of any city of the first class shall, by ordinance, provide suitable penalties for the punishment of persons who knowingly use defective or imperfect weights or measures, and may provide for such employees, who shall be appointed by and be under the supervision of the Mayor or the director of safety, when said director is appointed as provided herein, as may be necessary to enforce this section, and who shall be paid by the city and no fees shall be charged for such services. Nothing in this section shall be construed so as to interfere with the term of office or salary of the present inspector or inspectors of weight and measures; provided,

however, at the expiration of the term of office of said inspector or inspectors, said office or offices shall cease and determine.

§ 6. That section 2756 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Except as otherwise herein provided, the ligislative body may, by ordinance, prescribe the duties, define the term of office, and fix the compensation and the bond and time of election or appointment of all officers and agents of the city.

§ 7. That section 2765 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted, so as to read as follows:

The legislative power of any city of the first class shall be in a board of twenty-four councilmen and in a board of twelve aldermen, which shall be styled the general council; provided, however, that, from and after the expiration of the terms of office of the members of said boards to be elected at the regular November election, to be held in 1927, and from and after the election, and qualifications of the members of the new legislative body of said city, as herein created and provided for by this act to be elected at the general November election to be held in the year 1929, the present legislative body, composed of a board of councilmen and a board of aldermen, shall cease and determine. At and from the expiration of the terms of office of the members of said boards as above provided, the legislative power of said city shall be in a legislative body of twelve members, who shall be elected and qualified as provided by this act, which legislative body shall be styled the board of aldermen; and from and after said time all the powers, obligations and duties now vested in the present legislative boards of said city shall immediately vest in the legislative body hereby created. And whenever any power, authority or duty is vested in or imposed upon the

general council or either board thereof, of cities of the first class, such power, authority or duty shall be and is hereby vested in and imposed upon the legislative body of said cities however constituted; and where or when it is provided that a measure or plan shall be rejected or adopted by a two-thirds vote of all the members of each board of the present general council, each board sitting separately, then, and after the said board shall cease to exist, such measures or plans shall be rejected or adopted by a two-thirds vote of the legislative body created and established by this act.

§ 8. That section 2766 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

Councilmen shall be elected by the qualified voters of the city, at large, and so selected that two shall be residents of and qualified voters in each ward; provided, however, that from and after the expiration of the terms of office of the councilmen to be elected at the regular November election to be held in 1927, the board of twenty-four councilmen shall cease and determine, and thereafter no councilmen shall be elected.

§ 9. That section 2767 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Aldermen shall be selected from and elected by the qualified voters of the city at large; provided, however, that, from and after the expiration of the terms of office of the members of the board of aldermen to be elected at the regular November election to be held in 1927 the said board shall cease and determine. And provided further, that the members of the new legislative body, as created and provided for by this act, to be styled the board of aldermen, shall be so selected that one shall be a resident of and a qualified voter in each ward of such city, and all such members shall be elected by the quali-

fied voters of the city at large. The members of the said new legislative body shall be elected at the regular November election, to be held in the year one thousand nine hundred and twenty-nine and every two years thereafter.

§ 10. That Section 2768 of the Kentucvky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Members of the legislative body shall hold their office for two years after the election. They shall be at least twenty-five years of age, and shall be housekeepers or owners of real estate in the city. They shall hold no other civil office. They shall not be directly or indirectly interested in any contract with said city, or in any application therefor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on or interfere, directly or indirectly, with any matters or question affecting a contract between such company and the city, or its rights or duty under the same. No person while in arrears to the city for money collected shall be a member of the legislative body. Before any member elected shall take his seat in the legislative body, he shall make an oath or affirmation that he has the qualifications and is free from the disqualifications prescribed herein.

§ 11. That section 2770 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Councilmen and the Board of Aldermen, until the said boards shall have ceased to exist as provided by this act, and thereafter the legislative body, as created by this act, shall elect from its members a president thereof for one year. In his absence a president pro tem shall be chosen from the members.

Each Board, and after they cease to exist, the legislative body, created herein, shall elects its clerk and may elect a sergeant-at-arms.

§ 12. That Section 2771 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Each board, until it shall have ceased to exist, as herein provided, and therafter the legislative body created herein, shall judge the eligibility and the election of its members, adopt rules for its proceedings, and punish its members for disorderly conduct. Two-thirds of the members elect concurring, either Board, until it ceases to exist, and thereafter the legislative body created herein, may expel a member; but not twice for the same cause. Vacancies in either Board, until said Boards shall have ceased to exist, shall be filled by the General Council in joint session; thereafter vacancies in the legislative body created herein shall be filled by it. .

§ 13. That Section 2772 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

A majority of the members-elect shall form a quorum of either board so long as the said Board exists, and when said Boards cease to exist as herein provided a majority of the members elect shall form a quorum of the legislative body created herein, but a smaller number may adjourn from day to day. The attendance of members may be enforced by rules or ordinances with appropriate fines. Memers of the legislative body as created herein shall receive a salary of $80.00 per month and ten dollars for each regular meeting attended, but they shall not be compensated for attendance upon special or called meetings of the body. The General Council shall continue to meet as now provided by law, but from and after the election and qualification of the members of the legislative body created herein, the said legislative body shall meet on the

first Tuesday succeeding the election, and shall thereafter hold two regular meetings in each month. The legislative body, however constituted, shall hold its meetings in such rooms in the city as may be provided by ordinance, and the place of meeting shall not be changed except by an ordinance, for which two-thirds of the members elect have voted.

§ 14. That Section 2773 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

Each Board, and after said boards shall have ceased to exist, the legislative body, as created herein, shall keep a correct journal of its proceedings.

§ 15. That Section 2775 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

All official papers, proceedings, and records of the former and present officers and general councils, and trustees, and of the succeeding officers, legislative bodies, and trustees of the city, under previous charters and under this and succeeding acts, are hereby declared public records, and as such shall be preserved and be entitled to all faith and credit of public records. Official copies thereof may be read in all courts as public records. The courts of this Commonwealth shall take judicial cognizance of the ordinances of the city, and the printed copy officially published by the city may be read as evidence in any trial in which the same may be competent as evidence without proof of the due passage and approval of said ordinances. Until the biennial publication of the ordinances of the city, a certified copy from the Comptroller's office of an ordinance may be read with the same effect as if it had been officially published; provided, however, that from and after the appoinment of the director of the Department of Public Finance, as provided herein, the said certified copies

of ordinances shall be given by and secured from the office of the Director of Finance.

§ 16. That Section 2777 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

No ordinance shall be passed until it shall have been read in full in each board and free discussion allowed thereon, and no ordinance shall pass both boards on the same day; provided, however, that, from and after the time that the present general council of cities of the first class ceases to exist, and the election and qualification of the members of the new legislative body of such city, created and provided for by this act, no ordinance shall be passed at a meeting of said body at which it is introduced, nor shall it be passed at any succeding meeting until it shall have been read in full at such meeting, and free discussion allowed thereon; and, provided, further, that no ordinance passed by any legislative body of said city shall embrace more than one subject and that shall be expressed in its title. No ordinance shall be altered or amended in any way except by repealing it.

§ 17. That Section 2778 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Propositions for raising money must originate in the board of councilmen; but the board of aldermen may propose amendments thereto, as in other propositions, provided it does not, under color of amendment, introduce matter not relating to the subject; Provided, however, that from and after the time of the election and qualification of the new legislative body of said city, provided for by this act, the foregoing provisions shall stand repealed.

§ 18. The Section 2779 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and

in lieu thereof that said section be re-enacted so as to read as follows:

No member of the legislative body during the term for which he was chosen, shall be eligible to any office by appointment or by election of said legislative body.

§ 19. That Section 2781 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Executive and ministerial officers, unless otherwise provided in this act, shall be removable by the board of aldermen, sitting as a court, under oath or affirmation, upon charges preferred by the mayor, or any two members of the board of councilmen, and in case of the mayor upon charges preferred by the board of councilmen; Provided, however, that after the board of councilmen shall have ceased to exist, as provided herein, such charges may be preferred by the mayor or any two members of the legislative body created herein, but in case of charges against the mayor, said charges shall be preferred by not less than five members of said body, and provided further that where charges are preferred by members of the legislative body created herein, the said members preferring such charges shall not sit as members of said court.

Provided, however, that any person removed from office under the provisions of this section shall have the right to appeal to the circuit court and from there to the Court of Appeals and said appeal to the circuit court shall be taken and tried in the same manner that appeals from the quarterly courts to the circuit court are taken and tried.

§ 20. That Section 2784 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The executive power shall be vested in the mayor and in the commissions, boards and departments authorized by law. The mayor shall be elected by the qualified voters of the city

on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-three, and at the regular election every four years thereafter.

§ 21. That Section 2787 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

If two or more candidates for mayor receive the same number of votes and this number of votes is greater than the number of votes cast for any other candidate, one of them shall be chosen mayor by a vote of the majority of all members of the legislative body, immediately after its organization.

§ 22. That Section 2788 of the Kentucky Statutes (Carcoll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

When a vacancy shall take place in the office of mayor, a mayor pro tempore shall be chosen by the legislative body by the votes of a majority of the members elected, the presiding officer not voting except in case of a tie vote. If the vacancy occurs three months or more prior to a regular municipal election, a mayor shall be chosen for the unexpired term at the said election. If the vacancy occurs within three months, the mayor pro tempore chosen by the legislative body shall serve until the regular election for mayor. It shall be the duty of the president of the board of Aldermen to issue his proclamation for such meeting of the legislative body, and to preside therein, which meeting shall be held not less than ten nor more than twenty days after such vacancy shall take place. Until the vacancy is filled, the president of the board of aldermen shall act as mayor.

§ 23. That Section 2789 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Should the mayor be temporarily absent or unable to discharge his duties, his office shall be administered by the president of the present board of aldermen during its existence and thereafter by the president of the board of aldermen, provided for in this act, who shall continue to discharge the duties of the office during the continuance of the disability or the absence of the mayor. His compensation shall be determined by the legislative body of said city, but shall not exceed the rate allowed the mayor, and the sum so paid may be deducted in whole or in part from the salary of the mayor, or as the legislative body may determine.

§ 24. That Section 2791 of the Kentucky Statutes (Carroll's Edition, 1915) be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

It shall be the duty of the mayor—

1. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced.

2. To communicate to the legislative body, at least once a year, a statemnt of the finances and general condition of the affairs of the city, and also such information in relation to the same as the legislative body may, from time to time, require.

3. To recommend by message, in writing, to the legislative body all such measures connected with the affairs of the city as he shall deem expedient.

4. To fill, with the consent of the board of aldermen all vacancies in executive and ministerial offices the filling of which is not herein otherwise provided for.

§ 25. That Section 2794 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

The mayor may, by written order, remove from office any head of a department, director, or other officer appointed by him.

§ 26 That Section 2795 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Except a resolution to adjourn, every proposed ordinance or joint resolution which has passed the general council shall be presented to the mayor, and if he approve it he shall sign it, and then it shall be obligatory; but if he disapprove it, he shall return it with his objections in writing, to the board in which it originated and said board then shall reconsider the same, and if two-thirds of the members elect concur in adopting it again, it shall be sent, with the mayor's objections, to the other board, where it shall also be reconsidered, and if again passed by the votes of two-thirds of its members, it shall be obligatory; but in such cases the votes in each board shall be taken by yeas and nays and recorded in the journal. Should the mayor withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the general council actually meet, if three days have intervened between the presentation to the mayor of said meeting, it shall be obligatory as if signed; Provided, however, that from and after the time the present legislative boards shall cease to exist as herein provided, and the election and qualification of the members of the new legislative body, created and provided for in this act, every ordinance or resolution, except a resolution to adjourn, which shall have passed the said legislative body, shall immediately be presented to the mayor for his approval or disapproval. It he approve it, he shall sign it and it shall then be obligatory, but if he shall disapprove it, he shall return it, with his objections, to the said body, which shall enter his objections in full upon its journal and proceed at its next or at its second regular meeting thereafter to consider it. If, after such reconsideration, two-thirds of the members elected to the said legislative body shall agree to its passage, the ordinance shall become obligatory; but in such cases the votes shall be taken by yeas and nays and recorded

in the journal. If any ordinance or resolution, which is not signed by the mayor, shall not be returned by the mayor, as herein provided on or before the day on which the said legislative body holds its regular meeting next succeeding the meeting at which the said ordinance was passed, after it shall have been presented to the mayor, if three days have intervened between the presentation to the mayor and said meeting it shall become obligatory in like manner as if he had signed it.

§ 27. That section 2801 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The mayor shall have power, with the approval of the board of aldermen, to appoint a city buyer, whose duty it shall be to purchase all articles needed by the city in its several departments. All purchases made by him shall be approved by the mayor if the amount to be expended be under two thousand dollars ($2,000.00), or by the general council and the mayor if the amount exceed two thousand dollars ($2,000.00). He shall report each day to the comptroller the purchases made by him.

Provided, however, that from and after the regular November election held in the year 1929 and the election and qualification of the mayor at that election, the foregoing provisions shall cease to have effect and stand repealed; and provided futher that, from and after that time:

The director of finance to be appointed as herein provided, shall have the power to appoint a city buyer, whose duty it shall be, under the supervision and control of said director, to purchase all articles needed by the city in its several departments. All purchases made by said buyer shall be approved by the director of finance, except as otherwise provided by law. He shall report each day to the comptroller and inspector the purchases made by him.

§ 28. That Section 2801a-2 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

As consideration for such public use, such city shall annually in its annual ordinance fixing the tax rate include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund, upon the books of said city and the said amounts as collected shall be paid over to the association or corporation aforesaid, by the treasurer or the director of finance when appointed as provided herein, in regular weekly installments, the first payment to be made within one week after the collection of the said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer or director of finance as collected; all money so received by such association or corporation shall be used in conducting and maintaining said library for the public purposes aforesaid and for none other. Said corporation or association shall annually, in the month of September, make a report to the mayor, showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all moneys handled by it during the year, and such other information as may bear upon the usefulness of said library to the public.

§ 29. That Section 2801b-6 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

To raise money for the establishment and maintenance of the library, the legislative body shall annually, in its levy ordinance cause to be levied and collected a tax of not less than two and one-half cents (2½c) or more than four cents (4c) on each one hundred dollars' ($100.00) worth of property as-

sessed for taxation for city purposes. Upon the completion of assessment of property for taxtion the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the city treasurer or director of finance, when appointed as provided herein, and the said amount, as collected, shall be paid over to the board of trustees by the said city treasurer or director of finance in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and other payments to be made weekly thereafter, in current money by said city treasurer or director of finance, as collected. The board shall annually, in the month of September, make a report to the legislative body, showing the use of the library for the fiscal year ending the last day of August preceding the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public, or may be called for by the legislative body. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the board of trustees as herein provided.

§ 30. That section 2801b-10 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Any city of the first class, having a free public library organized according to the provisions of the said chapter seventy-one (71) of the Acts of the General Assembly of the Commonwealth of Kentucky of 1902 (which is now section 2801b of the Kentucky Statutes) may by an ordinance provide that the said bonds, principal or interest or both, may be guaranteed by the city.

When the said ordinance is enacted by the said city the said bonds shall be endorsed "guaranteed" and the name of the city guaranteeing attached and said guarantee shall be

signed by the mayor of the city and attested by the comptroller of the city and stamped with the proper seal of the said city of the first class; provided, however, that from and after the appointment of the director of finance, as provided herein, the said guarantee shall be attested by the said director of finance, and stamped with the proper seal of the said city of the first class.

§ 31. That section 2802 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same when so amended, revised and re-enacted will read as follows:

The following executive boards are hereby established in said cities: A board of public works and a board of public safety. The members of said boards shall be appointed by the mayor, in the month of December succeeding the election of the mayor, and the members of the boards so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or any of his successors in office, but not by an officer who may merely for the time be filling the office of mayor in the absence or under the temporary disability of the regularly elected or appointel mayor. The members of said boards shall have the same qualifications as members of the general council. No member or officer of the general council shall be eligible to membership in either of said boards. The first members of said boards shall be appointed by the mayor as soon as practicable after the passage of this act, and the present boards shall cease to exist and the terms of office of the present members shall cease and determine immediately upon passage of this act, and the appointment of their successors, and all the powers and obligations and duties now vested in the present executive boards, together with all rights of action, shall immediately vest in the boards hereby created and the members appointed by virtue of this act, the same as though the aforesaid section 40 had not been repealed; provided, however, that from and after the election at the regular November election, and the qualificatin of the mayor in such

city in the year 1929, the foregoing provisions of this section shall stand repealed. At and from that time there shall be established, pursuant to the authority hereby conferred, the following executive departments in cities of the first class:

A department of public works, a department of public safety, a department of public finance, a department of public welfare, a department of public health and a department of law. Each of said departments shall be under the supervision and direction of a director who shall be appointed by the mayor immediately or as soon thereafter as possible, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office but not by any officer who may merely for the time be filling the office of mayor in the absence or during the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said city and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided. All the powers and obligations and duties vested in the present board of public works and board of public safety, not inconsistent with the provisions of this act, together with all rights of action, shall immediately vest in the respective departments hereby created and the directors thereof appointed by virtue of this act in succession to said boards.

§ 32. That Section 2803 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Works and the Board of Public Safety, as long as they exist, and when they shall have ceased to exist, as herein provided, the directors of the said departments created herein, shall have power to prescribe rules, not inconsistent with any statute or ordinance, regulating the proceeding and conduct of the officers, clerks and employes of the said boards or departments and the divisions thereof, the distribution and performance of the business of the said boards or departments and provisions thereof, and the preservation of the books, records, papers and property under the control of said boards or departments. No extra compensation shall be allowed any person for indexing the records of any of said boards or departments.

§ 33. That Section 2804 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

All official business of the present executive boards, so long as they exist, and when they shall have ceased to exist the official business of the executive departments created shall be transacted at the offices thereof, and a continuous indexed record shall be kept at such offices respectively of such business. Each board or department shall cause all of its receipts and disbursements to be faithfully entered in books to be kept for that purpose.

§ 34. That Section 2805 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted so that same when so amended, revised, and re-enacted will read as follows:

Each board shall elect one of the members chairman, and shall make rules governing the time and place for holding regular and called meetings: Provided, however, that when the said boards, to-wit, the Board of Public Works and Board of Public Safety, shall have ceased to exist as herein provided, this section shall cease to be effective and stand repealed.

§ 35. That Section 2806 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted so as to read as follows:

No member of either board shall have any power to act on behalf of some, except pursuant to an order of the board regularly made at a meeting at which a majority of said board shall have been present: Provided, however, that when the said boards, to-wit: The Board of Public Works and the Board of Public Safety, shall have ceased to exist as herein provided, this section shall case to be effective and stand repealed.

§ 36. That Section 2807 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The members of said boards, until they cease to exist as herein provided, and thereafter the directors of executive departments as provided for herein, shall have seats in the legislative body, and be entitled to take part in the proceedings and deliberations thereof on all matters under their charge, subject to such rules as the lgislative body shall, from time to time, prescribe, but without the right on the part of the members of said board or such directors of departments to vote. It shall be the duty of one member of each of said boards and, when said boards shall have ceased to exist, of the directors of departments to attend meetings of the legislative body, whenever requested by any member of said body to so attend and whenever any matter under their chairge is before said body for action.

§ 37. That Section 2808 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof said section be re-enacted so as to read as follows:

The members of the Board of Public Works and Board of Public Safety and when said boards shall have ceased to xist as herein provided, the directors of the executive departments created herein shall have power to administer oaths.

§ 38. That Section 2809 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Said boards and, when said boards shall have ceased to exist as provided herein, the directors of executive departments created herein, except as otherwise provided by law, shall have the right to employ such officers and agents as may be necessary, and subject to such limitations as the legislative body may prescribe, may fix the compensation of such officers and agents.

§ 39. That Section 2810 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

Each of said boards may appoint and, at pleasure, remove a chief of each department under its control. The board of public works shall have the power to appoint a chief engineer for the city and such subordinate engineers as may be necessary; Provided, that all applicants for the position for chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the general council, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the office of chief engineer until he shall have passed such examination. In all cases where the examination is made in writing, all the papers shall be filed of public record with the secretary of the board of public works. The general council shall have the power to fix the compensation of the said board of examiners. Subordinate officers and employees may be removed or punished by the board on the recommendation of the chief of the department concerned for cause, subject to such regulations as may be prescribed by ordinance or by the board. The cause for removal of any subordinate as aforesaid must be stated in writing, and be transmitted to the board and the board may,

in its discretion, retain or dismiss such subordinate. No officer or employee shall be removed for political causes. Interference in elections, electioneering or canvassing for any officer or employee of said board shall be cause for instant removal; Provided, however, that when said boards shall have ceased to exist as provided herein, the foregoilng provisions of this section shall cease to have effect and stand repealed; and

Provided further that, from and after that time, and the establishment of the Executive departments provided for herein:

1. Directors of executive departments shall appoint and, at pleasure, remove chiefs of divisions of the respective departments under their control.

2. The division of engineering shall be under the supervision and control of the director of works, who shall appoint as head of said division, a chief engineer; provided, that all applicants for the position of chief engineer shall first be examined by a board of three competent civil engineers, to be elected by the legislative body, and that no applicant who fails to pass an examination satisfactory to said board of examiners shall be eligible to the office of chief engineer, and no person shall hold the office of chief engineer until he shall have passed said examination. In all cases where the examination is made in writing all the papers shall be filed of public record with the director of works. The legisaltive body shall have the power to fix the compensation of the said board of examiners.

3. Chiefs of divisions of said executive departments, except as otherwise provided by law, with the approval of directors of their respective departments, shall appoint subordinate officers and employees of their divisions, and the chief engineer, with the approval of the director of works, may appoint such subordinate engineers as may be necessary and as may be authorized by ordinance. Subordinate officers and employees may, except as otherwise provided by law, be

removed or disciplined by the chiefs of their respective division with the approval of directors of their respective departments. The reasons for the removal of any subordinate, as aforesaid, must be stated in writing and such writing preserved as a part of the records of the department. No officer or employees shall be removed because of his political opinions, but interference in any election, electioneering or canvassing for any person seeking any office shall be cause for instant removal.

§ 40. That Section 2811 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

No officer or employee of said Executive Boards, so long as they shall exist, or of any executive department created herein, except the regular police of the city and those authoized by law to do so, shall receive for his own use, directly or indirectly, any fees, perquisites, commissions, percentages, or money paid to him in his official capacity, but all fees, perquisites, commissions, percentages, and money paid to and received by or for any such officer or person shall be the property of the city, and shall be paid by or for him to the city treasurer or the director of finance.

§ 41. That Section 2812 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows.

Any officer, except policemen, or persons in the employment of said boards, so long as they exist, or of executive departments, who shall receive any fees, perquisites, or other things of value belonging to the said city, shall, before receiving his salary, or compensation, make, under oath, a detailed statement, and shall report to the chairman of his board, or to the director of his department, in such form as may be prescribed, the aggregate amount of all such receipts since the last preceding statement; and he shall deposit with the said

board or the director of the department in which he is employed all such fees, perquisites, percentages, or other things of value due to said city as aforesaid.

§ 42. That section 2813 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Said boards or any member thereof, until such boards shall have ceased to exist, and thereafter the directors of departments may require the officers or persons employed by said boards or departments to make such statements and returns, if they be not made as herein provided, and may examine such officers or persons under oath touching the matters herein provided for.

§ 43. That Section 2814 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever there is any dispute as to the powers or duties of said boards, or of the officers thereof, or between the executive departments of the city as to the powers or duties of said departments, the matter may be referred by either of said boards or officers thereof, or by the director of either of said departments to the mayor, who shall examine and determine the question involved, and his decision shall be final as between said boards or said officers, or said departments.

§ 44. That section 2815 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

It shall be the duty of each of said boards, until they shall have ceased to exist, as provided herein, and thereafter it shall be the duty of the director of each of the executive departments created herein, annually, to submit to the mayor a detailed report of all matters under their control, with an estimate of the amount of money required for their respective

departments for the ensuing fiscal year, stating, with as great particularity as possible, each item thereof. Said reports shall be transmitted by the mayor to the legislative body for consideration and for appropriate action, with such recommendations as he may think proper.

§ 45. That Section 2816 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

It shall be the duty of the mayor and the legislative body, in the annual levy of taxes, to make such levy as, in their judgment, shall be necessary and advisable, and the amount so levied shall be collected and paid to the city as provided by law and carried to the credit of said executive boards or departments, respectively, and shall not be diverted from said executive boards or departments, or used by the mayor and legislative body for any other purposes; but same shall remain as a separate fund in the hands of the treasurer or the director of finance of the city. Said boards or the directors of executive departments shall not divert the tax levy of the mayor and the legislative body from the purposes for which it was levied.

§ 46. That Section 2817, of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever any contract is made by either board or by any executive department, it shall be executed under the seal of the corporation, and be filed in the office of said board or executive department, and a copy of said contract shall be transmitted to the comptroller or comptrollers and inspector.

§ 47. That section 2818 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

No member of either board, or director of any executive department, or officer or employe of said boards or said departments, shall be directly or indirectly interested in any contract, or work of any kind whatever done under its direction; and any contract for work or material, in which any such person shall be so interested, shall be void.

§ 48. That section 2819 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

No money shall be paid at any time to any person claiming under a contract with either board or any executive department until such person shall have first filed with the board or said executive department his statement, under oath, disclosing the names of persons directly or indirectly interested in the contract, or the profits thereof, declaring that no persons other than those named are interested, and that no person forbidden by this act has any interest in the same.

§ 49. That Section 2820, of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

No executive board or department, or member, director, officer, or employe thereof shall have the power to bind the city by any contract or agreement or in any other way, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the department under the control of said board or director; and all contracts or agreements, express or implied, and all obligations of any and every sort, beyond such existing appropriations, are declared to be absolutely void.

§ 50. That Section 2822 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever it becomes necessary for either of said boards, so long as they exist, and after said boards cease to exist as provided herein, whenever it becomes necessary for any executive department created herein, to make an expenditure for anything other than supplies and other forms of personal property, by a contract, written or oral, said contract must be made with the written approval of the mayor. If supplies and other forms of personal property are to be purchased, they shall be purchased by the city buyer, subject to the provisions of this act. Whenever the expenditure by the city buyer is to exceed two thousand dollars the contract shall not be made without the written approval of the mayor, and after the appointment of directors of the executive departments created herein, without the written approval of the director of the department for which the property is to be purchased, and the written approval of the mayor.

§ 51. That Section 2823 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

Real estate may be purchased by the mayor, when requested to do so by either of the present executive boards, so long as they shall exist and after said boards shall have ceased to exist as provided herein when requested to do so by the director of any of said departments, for the use thereof, if the purchase price does not exceed two thousand dollars. If the purchase price exceeds said sum, he shall not purchase said real estate without the consent of the legislative body.

§ 52. That section 2824 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same when so amended, revised, and re-enacted will read as follows:

The Board of Public Works shall consist of three members. Each member of said board shall receive a salary of not less than twenty-five hundred dollars ($2,500.00). Provided, however, that when the board of public works shall have

ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and provided further that from and after that time:

(1) All of the powers and duties of the board of public works, except as otherwise provided by law, shall be vested in the department of public works, created herein.

(2) The department of public works of said cities shall be under the supervision and direction of a director to be designated director of works. The said department, for administrative purposes, may, as deemed necessary, be divided into divisions such as division of engineering, division of street construction and repair, division of street cleaning, division of sewer construction, division of public wharves and division of public buildings. Each of said divisions shall be under the direction of a chief or head appointed by the director of works.

§ 53. That section 2825 of the Kentucky Statutes (Carroll's edition 1922), be and the same is hereby amended, revised and re-enacted so that same, when amended, revised and re-enacted, will read as follows:

The board of public works, so long as it exists, and from and after said board shall have ceased to exist as provided herein, the department of public works shall, except as otherwise provided by law, have exclusive control over the construction, reconstruction, cleaning, repairing, platting, grading, improving, sprinkling, lighting, and using of all streets, alleys, avenues, lanes, market houses, bridges, sewers, drains, wells, cisterns, ditches, culverts, canals, streams and water courses, sidewalks, curbing and the lighting of public places and such other matters as may be provided by act of the General Assembly, or by ordinance not inconsistent with this act.

§ 54. That section 2826 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

(1) No public way shall be opened, widened, narrowed, closed, or constructed, and no sidewalk shall be constructed or reconstructed and no public wells and cisterns shall be dug and walled, except by ordinance recommended by the board of public works, or, when said board shall have ceased to exist as provided herein, by the director of works, appointed as provided by this act.

(2) Hereafter no plat or map laying out or offering for dedication any public way or easement in the territory within the limits of the city or within three miles of the said limits as then existing shall be received for record by, or be recorded in the office of the clerk of the county court of the county, except upon the conditions hereinafter named; and if the description of any deed, lease, mortgage or bond for title to land within said territory, refers to or is based upon any map or plat not now recorded or describing the land as binding upon any street, avenue, alley or other public way proposed or offered for dedication, immediately or in the future, for the use of the public and the purchaser, lessee, or mortgagee, said instrument or writing shall not be received for record or be recorded in the office of the clerk of said court, except upon the following conditions:

(a) Whenever any person desires to lay out or offer for dedication by a recorded plat, any such public way or easement within the city limits, he shall file with the board of public works, or, when said board shall have ceased to exist as provided herein, with the department of public works, a topographical map or plat of the territory bounded or interesected or immediately adjacent to said proposed public way or easement, showing the levels of said land, the proposed names, nature and dimensions of the said public way or easement proposed or offered for dedication; and, if the said board or the director of said department thinks such proposed dedication of said public way or other easement would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, said board, or

said director shall approve the said map or plat and the chairman or secretary of said board or the said director shall subscribe a certificate of approval on said map and acknowledge the execution thereof before any officer authorized to take an acknowledgment to deeds, and thereupon said map or plat may be received for record by and be recorded in the office of the clerk of the county court.

If said board of public works, and after said board shall have ceased to exist, if the director of works refuses to approve said map or plat in thirty days, the person offering the same may file a petition in the circuit court of the county against the city, stating the facts and filing a copy of said map or plat and said suit shall begin and proceed and be tried as a civil action in equity, and if the court, at the hearing, believes that the plaintiff has shown that said proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city, the court shall order said map or plat to be received by the clerk of the county court for record in his office when the legal fees for recording the same have been paid or tendered.

(b) Whenever any person desires to lay out or offer for dedication, by a recorded plat, any such public way or other easement outside the limits of the city, but within three miles thereof, he shall file a like topographical map with the board of public works, or, after said board ceases to exist as provided herein, with the director of works, and also with the judges of the county court, and if the said board or said director and said judge think such proposed dedication would be beneficial to the public interests and suitable for the immediate or future acceptance of the city when its boundaries embrace said land, said board or said director and said county judge shall approve said map or plat in the manner above provided and said map or plat shall be received for record by and be recorded in the office of the clerk of the county court upon the payment of the legal fees therefor.

If said board or said director or said county judge refuse for thirty days to approve said map or plat, the person offering the same shall have the right to take a like appeal to the circuit court as provided for above.

The mere approval of such a map or plat by the said board or said director or the county judge shall not be treated or held as of itself an acceptance of such an offer or dedication by the pqublic authorities of the city or county, but when said public authorities are ready to accept or improve the public ways or other easement in the territory covered by said map or plat, they shall be accepted or improved in conformity with said map or plat.

Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy of the county clerk who shall receive for record or permit to be lodged for record, any plat or map or deed or other instrument contrary to the provisions of this act, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars for each offense.

§ 55. That section 2827 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The board of public works, until it shall have ceased to exist as provided herein, and thereafter the department of public works shall have supervision and control over the construction, repairing, cleaning, lighting and heating of all public buildings, and over all public improvements of the city, except as is or may be otherwise provided by law.

§ 56. That section 2828 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever any work is to be done by the employes of the board of public works or of the department of public works, a careful estimate shall be made of the cost of such work or

material, and said estimate, in writing, shall be at once placed on file with the records of said board or said department of public works.

§ 57. That section 2829 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever the said board of public works, or, when said board shall have ceased to exist, the director of works shall order any work to be done which, either by order of the said board or the director of works or according to law, is to be performed by independent contract, the said board, and when it shall have ceased to exist, the director of works shall prepare and place on file in the office of the said board or department of public works complete drawings and specifications of said work. Thereupon the said board or said director of works shall cause a notice to be published in one daily or weekly newspaper of general circulation, published in said city, once in each week for two weeks, informing the public of the general nature of the work, of the fact that the drawings and specifications are on file in said office, and of the nature and extent of the bond or security required, and calling for sealed proposals for said work by a day not earlier than ten days after the first of said publications. The said board, or director of works may, in its or his discretion, fix a day later for receiving said sealed proposals, providing such date shall be mentioned in each of said notices. Said board, or said director, shall let said contract to the lowest and best bidder, which contract shall be subject to the approval of the mayor. Said board or said director shall have the power to reject any and all bids.

§ 58. That section 2830 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

When, in the opinion of the board of public works, and after said board shall have ceased to exist, when in the opinion of the director of works, it shall become necessary, in the prosecution of any work, to make alterations or modifications in the specifications or plans of a contract, such alteration or modification shall be made only by order of the said board or of the director of works, and such order shall be of no effect until the price to be paid for the same shall be agreed upon, in writing, and signed by the contractor and approved by the said board or by the director of works.

§ 59. That section 2831 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Whenever property shall be needed for appropriate municipal purposes, either within the boundaries of the city or the county, the board of public works, and, after the said board shall have ceased to exist, the director of works may, with the consent of the mayor, if the amount be under two thousand dollars, order the condemnation of such property; and if the amount be over two thousand dollars may, with the consent of the mayor and the legislative body, order the condemnation of such property. The proceedings for the condemnation of property for such purposes shall be instituted and prosecuted in the name of the city, by the city attorney, as provided in this act for the condemnation of property for park purposes.

§ 60. That section 2832 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and

done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city shall be a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the legislative body recommended by the board of public works, or by the director of the department of public works.

Upon the adoption of a resolution by the legislative body authorizing and directing such action, it shall be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares or lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting on such street or alley, shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then the court shall render a decree accordingly, but without such consent the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley.

§ 61. That Section 2833 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

When the improvement is the original construction of any street, road, lane, alley or avenue, such improvement, except as provided in Section 2839 of the Kentucky Statutes, as amended by this Act, shall be made at the exclusive cost of the owners of lots in each fourth of a square to be equally apportioned by the board of public works, so long as said board exists, and when said board shall have ceased to exist, as provided herein, by the director of works, according to number of square feet owned by them, respectively, and in such improvements the cost of curbing shall constitute a part

of the cost of the construction of the street or avenue, and not of the sidewalk. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth, not exceeding five hundred feet, on both sides of said improvement to be assessed for the cost of making the same, including the cost of the improvement of the intersections, if any, of said public way, according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The legislative body shall have power by ordinance, recommended by the board of public works, and, after said Board shall have ceased to exist as provided herein, by the director of works, to cause the digging and walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof exclusively against the owner of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located according to the number of square feet in such lots, or in any other equitable mode of apportionment which the legislative body may prescribe by ordinance, and a lien shall exist against such lots for respective apportionment by the board of public works, or, by the director of works, of the cost of digging and walling of public wells and cisterns, and the placing of water plugs and fire hydrants and attachments to street water pipes, with interest from the date of the apportionment at the rate of six per cent. per annum until paid. The legislative body shall have power by ordinance, recommended by the board of public works, or by the director of works, to require that water, gas and sewer service pipes shall be laid and constructed from the main pipes and sewer in any public way to each lot abutting on said public way before said public way is paved or repaved. Where the land abutting on said public way is not divided into lots,

the board of public works, or the director of works shall fix a reasonable distance fronting on said public way which shall constitute a lot for the purpose of this act, and to each of said lots shall be laid and constructed a water, gas and sewer service pipe. Such reasonable distance shall not be less than twenty-five (25) feet. No water, gas or sewer service pipe shall be laid or constructed under this act, unless there be a water or gas main or sewer in said public way to which said service pipes are to be connected, nor shall any pipe be constructed under this act unless said public way is about to be paved or repaved. The cost of installation of each pipe shall be charged against the lot abutting on each public way which is served or to be served by such pipe, and a lien shall exist against such lot for the respective apportionment by the board of public works, or by the director of works of such cost, with interest at the rate of six (6) per cent per annum until paid. The installation of survice pipes and sewers under this act shall be ordained by the legislative body in a special ordinance for that purpose, and the contract for the installation of such pipes may be separate from or a part of the contract for the improvement of the public way. The legislative body shall have power by ordinance recommended by the board of public works, or by the director of works, to prescribe that such water and gas pipes shall be installed by the respective owners of the main pipes in the public way, at the cost of the respective owners of the abutting lots, and that such sewer service pipes shall be laid by the board of public works, or by the director of works at the cost of the respective owners of the abutting lots; provided, however, that any gas company whose franchise requires said company to bear the expense of a servcie pipe from the main pipe to the property line of each improved lot, shall reimburse the owner of any lot which was unimproved when said public way was paved or repaved, but who shall thereafter use the gas pipe installed under this act, to the extent of his expense theretofore incurred for the installation of said pipe. The legislative body

shall prescribe by ordinance the necessary details for the purpose of carrying out the provisions of this act.

§ 62. That Section 2833a of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

That when any public way, or other public improvement in any city of the first class in this Commonwealth, is ordered or directed, by ordinance of the legislative body of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, or within the taxable limits therefor defined as provided in such act and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and apportionment warrant or statement thereof shall be certified by the board of public works, so long as said board exists, and when said board shall have ceased to exist, by the director of works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the state Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated.

§ 63. That Section 2834 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

A lien shall exist for the cost of original improvement of public ways, for the construction and the reconstruction of

sidewalks, and for the digging and walling of public wells and cisterns, for the apportionment and interest thereon at the rate of six per cent. (6%) per annum against the respective lots. Except as provided in Section 2839 of the Kentucky Statutes, as amended by this act, payment may be enforced upon the property bound therefor by proceedings in court; and no error in the proceedings of the legislative body shall exempt from payment after the work has been done as required by either the ordinance or contract; but the legislative body, or the courts in which suits may be pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event, except as provided in said Section 2839, if such improvement be made as is provided for, either by ordinance or contract, shall the city be liable for such improvement, without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting, and at least two weeks shall elapse between the passage of any such ordinance from one board to the other; provided, however, that from and after the time that the present legislative boards cease to exist, and the election and qualification of the members of the new legislative body of such city, created and provided for by this act, no ordinance for any such improvement shall be passed at a meeting of said body held earlier than two weeks after the meeting at which said ordinance was introduced; provided, further, that whenever in any action to enforce such lien, it shall be pleaded by the owner of any property and the court shall find that the amount apportioned against the property is greater than seventy-five per cent. (75%) of its value, the court shall determine what is seventy-five per cent. of such value, and adjudge a lien for that amount and interest, and the city shall pay the balance of the amount so apportioned out of the fund for general purposes.

§ 64. That Section 2836 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and,

in lieu thereof, that said section be re-enacted so as to read as follows:

The board of public works, and, when said board shall have ceased to exist, as provided herein, the director of works may in its or his discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way, under the supervision of and within such time as may be fixed by the board of public works, or, by the director of works.

§ 65. That Section 2837 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the board of public works, and, when said board ceases to exist, as provided herein, the director of works shall, by one insertion in one of the daily newspapers published in the city, give notice of the time and place fixed for the inspection and reception of the work by the board or by the department of public works, and such owners, their agents and representatives, may appear and be heard as to whether such improvements have been made in accordance with the ordinance authorizing the same, and the contract therefor.

§ 66. That Section 2838 of the Kentucky Statutes (Carcoll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

In all actions to enforce liens, a copy of the ordinance authorizing the improvements or work, a copy of the contract therefor, and a copy of the apportionment—each attested by the comptroller of said city, until the expiration of the present term of office of that officer, and thereafter by the director of finance—shall be prima facie evidence of the due passage, ap-

proval, and publication of the ordinance, of the due execution and approval of the contract, and shall also be prima facie evidence of every other fact necessary to be established by the plaintiff, in such actions to entitle him to the relief authorized to be given in this act. In such actions the court shall provide in its order confirming any report of sale that the defendants, or either of them, or any one claiming through or under them or either of them, or any creditors of theirs or either of them, may within two years from the date of such order confirming a report of sale, redeem that land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of six per cent. (6%) per annum and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of six per cent. (6%) per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 67. That Section 2839 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

1. Except as hereinafter provided, the board of public works, so long as it exists, and when it shall have ceased to exist, as provided herein, the department of public finance upon certification by the director of works of the inspection and acceptance of the work, as provided by this act, shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, water plugs and sidewalks, as may be required by ordinance, and within two days thereafter shall enter the same upon a register kept in alphabetical order for that purpose. When the holder of said warrant shall have obtained payment, he shall notify the board of public works, and when said board shall have ceased to exist, he shall notify the director of works and the director of finance appointed as provided herein to that

effect, and it shall be marked upon the register as paid. The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless it shall be so entered and registered within ten days of the issuing of the apportionment warrant.

2. (a) The legislative body may, in its discretion, provide by ordinance that any original construction of the streets, alleys and public ways of said city shall be made on the ten payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to and an improvement tax therefor assessed and levied on the property liable for the payment thereof, as provided by law, or when and as such apportionment and levy may be otherwise made and provided for by ordinance in conformity with the law prescribing apportionments of special taxes of cities of the first class, but before such improvement shall have been made or accepted, the improvement tax therefor shall have been assessed and levied on the property liable for the payment thereof, the city treasurer, or the director of finance when appointed as provided herein, shall give notice by publishing on three separate days a notice of said assessment and levy in a newspaper of general circulation in said city requiring all persons to pay such improvement tax levied on their property within thirty days from the date of the assessment of the costs thereof. Such taxes may, at the option of the property owners, be payable in cash without interest, within thirty days, or in ten equal installments as herein provided.

(b) Any property owner who desires to exercise the privilege of payment by installment shall, before the expiration of the said thirty days, pay in cash one-tenth of the assessment against him and enter into an agreement in writing with the city that in consideration of such privilege he will make no objection to any illegality or irregularity in the assessment, levy or imposition of said taxes against his prop-

erty, and that he will pay the same in the manner herein provided. Any property owner entering into such an agreement or who exercises the option to pay in installments, shall be concluded thereby, and shall waive any defense against the payment of such taxes. Such agreement shall be filed and recorded in the office of the city treasurer, and when said office shall have ceased to exist, as provided herein, such agreement shall be filed in the office of the director of finance, who shall file, retain and record the same as a record of his office, and who shall furnish a copy thereof to the chairman of the board of works, and when said board ceases to exist, as provided herein, to the director of works, who shall preserve it as a part of the records of his office.

In all cases where such agreements have not been filed within the time limit, the entire tax shall be payable in cash without interest, at the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent. per annum from the date of said assessment and levy and shall be collected by said city by suit.

(c) If any property subject to such tax be owned by an infant or a person of unsound mind or by a life tenant, the agreement herein provided for may be executed by the statutory guardian of such infant or the committee or curator of such insane person, with the same effect as if executed by a person free from disability, or by the life tenant.

(d) Unless persons, who in the aggregate are liable for at least one thousand dollars in excess of the cash payments made or provided for, exercise the option to pay on the installment plan, said option shall cease and terminate and the said entire tax shall be payable in cash and collected as herein provided.

(e) In cases where the option to pay installments is exercised by persons who, in the aggregate, are liable for at least one thousand dollars after the first cash payment, the city treasurer or the director of finance, as the case may be,

shall proceed as herein provided. The improvement tax, with interest at the rate of six per cent. per annum, shall be paid to the city treasurer or the director of finance, as the case may be, as follows: One-tenth of the tax in cash, as hereinabove provided, and annually from and after the date of assessment, one-tenth of the entire tax, until the whole is paid. At the end of each six months from the date of assessment, interest shall be due and payable for such six months on all unpaid installments of the tax except that the first installment of interest shall cover interest to maturity date of the first coupons on the bonds hereinafter provided for.

(f) Any person may, at any interest-paying period after the fifth installment of his tax becomes due, pay the entire balance on such assessment against his property, with accrued interest to the next succeeding interest period.

(g) It shall be the duty of the city treasurer or the director of finance, as the case may be, to mail to the last known address of the persons liable for such special tax a notice of the amount thereof falling due, ten days prior to the date on which any installments of such special tax shall become due; but the failure of persons liable for such special assessments to receive notice shall not exempt them from liability for such special tax, and shall in no way prejudice the collection of the assessments and interest, or the enforcement of the lien therefor.

(h) If any person liable for any part of said assessment defaults in payment of any installment of such tax or interest for one month after the same becomes due, a penalty of ten per cent of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of such tax of such person shall, at the option of the city or of any holder of a bond secured thereby, forthwith become due and payable, and it shall be the duty of said city, for the use and benefit of the owners of said bonds, to institute in its own name and at its own cost the proper proceedings for the enforcement of such lien. If the city fail to in-

stitute such proceedings for thirty days after notice of such default, any owner of a bond secured by such lien may in his own name for the use and benefit of himself and other owners of said issue of bonds, institute and prosecute such proceedings in any court of competent jurisdiction.

(i) It shall be the duty of the city treasurer or the director of finance, as the case may be, to promptly apply all money paid in on such installments to the payment of bonds and coupons which may be issued, as provided herein, in anticipation of the collection of such taxes. If the fund accumulated from the collection of assessments, interest and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bonds issued in anticipation of such collection, the city treasurer or the director of finance, as the case may be, shall refund to each person paying said assessment a proportionate amount of the excess upon demand being made therefor by said person or persons within twelve months after the maturity or payment of the issue of such bonds, but if such persons do not present their claims to said excess within twelve months from the date of the maturity or payment of said bonds, such persons, or each of them, so failing to claim, shall be forever barred from any interest in said excess, and such amount so remaining in said fund shall be converted into the general purpose fund of said city. Failure on the part of the city to collect any such tax or installment thereof, when due, shall create no liability against such city.

(j) The legislative body may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not exceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for; and all proceedings with reference thereto shall be the same as herein provided, for the payment on the ten installment plan, except the necessary changes shall be made to conform the payments to the number of years specified by the

ordinance, and corresponding changes shall be made in any bond that may be issued for the payment of such improvements, as provided herein.

(k) In order to provide a fund for the immediate payment of the cost of any improvement made on the installment payment plan as provided herein, the legislative body may issue and sell improvement bonds in anticipation of the collection of such part of the improvement taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such taxes and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof exclusively to the payment for the particular improvement in anticipation of the collection of the tax for which the bonds are issued. Such bonds shall bear the date, sixty days after the date of the assessment and levy of said taxes, and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout, and shall be divided into nine series as nearly equal as practicable. The bonds with interest shall be payable at the office of the city treasurer or director of finance, as the case may be as follows:

After the first payment of one-tenth of the assessment shall have been made in cash, at the time the property owner elects to pay on the installment plan, the remaining installments shall be due and payable one each year from and after sixty days from the date of the assessment of the special tax, together with interest as hereinabove provided, for nine years; and the first series of bonds shall be due and payable one year and sixty days after the date of the assessment of the tax, and the remaining series shall be due and payable one each year thereafter in regular consecutive order until each series shall have matured. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months from and after sixty days subsequent to the date of the assessment of the tax. The bonds shall be of the denomination of one hundred dollars or its multiple, provided that

any odd amount over one hundred dollars or its multiple may be included in the last bond to mature. No bond shall be issued for less than one hundred dollars. All improvement bonds shall have the name of the street, alley or other public way, or part thereof, for the improvement of which they are issued, printed, engraved or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per cent per annum from the date of the assessment of the said tax, and shall have suitable coupons attached thereto evidencing the semi-annual interest. The bonds shall be signed by the mayor and countersigned by the city treasurer or director of finance and the coupons shall be signed by the city treasurer or director of finance with his engraved or lithographed facsimile signature. The city treasurer or director of finance, as the case may be, shall attest the signatures to the bonds under the seal of the city. It shall not be necessary in such bonds to recite the steps taken in ordering the improvement or in making the assessment, but it shall be sufficient to make a general reference to such proceedings and to this statute. Such bonds shall be negotiable, and shall be exempt from all taxation and shall not be sold for less than par and accrued interest; provided, if no offer is made for said bonds equal to par and accrued interest, after publishing in a daily newspaper of said city at least one advertisement of the sale of said bonds, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued, and they shall be received by the contractor in full satisfaction thereof. Any premium realized from the sale of such bonds and any penalties collected on delinquent installments of such taxes, as herein provided, shall go into the fund for the payment of such bonds and interest thereon. Said bonds and interest thereon shall be payable exclusively out of the funds actually paid to and collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and the city shall in no event be liable on

any such bond except to the extent of funds actually paid to it as above set out. Any and all such bonds shall be subject to payment and redemption at any interest period thereon that does not occur within four years from the date thereof; and the city treasurer or director of finance, as the case may be, shall when funds have accumulated from any such assessment sufficient to redeem bonds in excess of the next series falling due, by lot select from the next succeeding issue falling due thereafter, bonds of a par value equal to the excess in the said fund arising from said excess collections, and shall advertise the designation and numbers of said bonds so drawn at least once a week for four consecutive weeks prior to the next interest period, in a newspaper of general circulation in said city and that on said date said bonds will be redeemed at their par value and accrued interest. The bonds specified in such notice shall bear no interest after the date fixed for their redemption, and shall be paid when so presented for redemption. This provision shall be shown in substance on the bonds. Such bonds shall convey and transfer to the owers thereof all lien, right, title and interest in and to the assessments, taxes and liens upon the respective lots and parcels of ground, which liens, until released after payment, as herein provided for, shall stand as security for such bonds and coupons until they are paid. If any lots or lands be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax, such lots or lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon, unless the same be asserted in the action in which such lots or lands are sold. If any foreclosure suit brought by the city or any bondholder as provided herein, it shall not be necessary to make the other bondholders parties, but the proceeds of the suit shall be paid to the city treasurer or director of finance, as the case may be, to be applied to the redemption of matured bonds in the same manner as if the same had been paid without suit.

In any such suit, an allegation, in substance, that the improvement or construction had been duly made and accepted and a special tax levied therefor and bonds for the unpaid portion of the cost had been issued pursuant to ordinances and proceedings duly enacted and adopted by said city in accordance with law, shall be a sufficient pleading of such ordinances and proceedings without setting out the same in full or making further reference thereto.

The special tax, interest and penalties collected on account of any improvement or construction mentioned herein shall be kept in a separate fund, and shall be disbursed only in payment for such construction or in the redemption of the bonds issued therefor, and the city treasurer or director of finance, as the case may be, or other officer having the custody of such fund shall be liable upon his general bond as such for the safekeeping thereof. The taxes, interest and penalties collected on account of the improvement or construction of any one street or unit shall be kept in a separate account and shall not be mingled with or merged into the funds arising from any other unit of construction.

For the purpose of issuing bonds as herein provided for, various streets or public ways, or parts thereof, may be combined and treated as one unit and may be covered by the issue of one or more series of bonds.

Should there be any deficit in the fund provided for the payment of the bonds herein mentioned, the legislative body may, from time to time, appropriate from the general funds of the city sufficient amounts to cover such deficit, and it may reimburse the general fund therefor out of any subsequent collections of special taxes, interest or penalties.

§ 68. That an act of the General Assembly of 1922, in chapter 22, being an act entitled: "An Act to amend an act entitled, 'An act for the government of cities of the first class,' approved July 1, 1893, so as to enlarge the powers of cities of the first class and to provide for the elimination of grade crossings of the public streets of such cities at grade

over the tracks of steam or electric railroads, giving the board of public works power to order and contract for the elimination of such crossings and power to provide for the character of crossings to be submitted therefor, and to designate the plans, specifications and terms under which said work is to be done; and further to provide for the method of apportioning the cost of such grade eliminations as between such cities and the railroad companies and city railway and interurban railway companies affected thereby," approved March 20, 1922, be and the same is hereby amended, revised and re-enacted so that same when so amended, revised and re-enacted will read as follows:

Section 1. The board of public works of any city of the first class, until said board shall have ceased to exist as provided herein, and after said board shall have ceased to exist the department of public works herein provided for shall have power, when in the judgment of said board or said department, as the case may be, it is reasonably necessary for the safety of the public, to order the elimination of grade crossings of public streets over the tracks of steam or electric railroads, and for this purpose said board, or said department, as the case may be, may, when authorized by ordinance, contract with any steam railroad company or companies and street or interurban railway companies thereby affected for the elimination of any crossing in any city of the first class where a public street crosses at grade the tracks of any steam or electric railroad, on such plans, specifications and terms as may be agreed on between the city and the railroad company or companies and street or interurban railway companies affected thereby. In event such a contract is made, the cost of elimination and construction shall be apportioned as provided in section 3 hereof.

Section 2. In event an agreement as in section 1 contemplated, cannot be arrived at, the said board of public works or the said department of public works, as the case may be, is hereby empowered, when in its judgment it is reasonably

necessary for the safety of the public and when authorized by ordinance, to order any grade crossing of any steam or electric railroad track or tracks over any public street in said city and the approaches thereto, to be altered or eliminated, and to order in lieu of such grade crossing the erection of such bridges, culverts, viaducts, underpasses and overpasses or other structures as to it may seem proper and appropriate for the reasonable safety of the traveling public; and in this connection may order the reconstruction of any public street intersecting or crossing said railroad or railroads in accordance with any new grade that may be established by said board, or said department. Said work shall be done by the railroad company or companies whose tracks are affected by said order, under such plans and specifications and on such terms as the board of public works, or the department of public works, may prescribe. A copy of the order of the board, or of said department, as the case may be, accompanied by the plans, specifications and all other terms and conditions under which such work is to be performed shall be delivered to the railroad company or companies whose tracks are affected by said order, and also to any street or interurban railway company whose tracks are affected thereby, and it shall be the duty of the railroad company or companies so affected to begin the construction of the said work within sixty (60) days thereafter, and complete same within such time as the board of public works, or the departments of public works, may specify by its said order.

Section 3. The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing herein provided for, including the costs incurred in preparing the plans and specifications and supervising said improvement, the acquisition of property necessary therefor, the construction of approaches, drainage structures, street and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall

be paid in the proportion of sixty-five per cent. (65%) thereof by the railroad company or companies affected and thirty-five per cent. (35%) thereof by the city; and the city and the railroad company or companies shall pay, in the proportion herein above provided, on monthly estimates certified by the city engineer and the railroad engineer in charge of the work, the amounts due to contractors and the costs or expenditures incurred by the city or the railroad company or companies and chargeable to the cost of construction as in this section provided; provided, however, that the said costs shall not include the cost of ties, ballast, rails and other track material used for railroad tracks or street or interurban railway tracks and equipment necessary for the operation of said railroad or street or interurban railways, and the expense of relaying, and reconstructing or installing same, all of which costs shall be borne exclusively by the company whose tracks or equipment are so relaid, reconstructed or installed, and all of which shall be paid by monthly estimates as in this section provided; and provided further, that where provision is made on a substituted crossing for the track or tracks of any street railway or interurban company, the company so owning such tracks shall pay into the city treasury forty per cent. (40%) of the amount paid out or expended by the city under any contract made under section 1 hereof, or under the provisions of section 2 hereof, all payments so made by said street railway or interurban railway company, to be based on the monthly estimates referred to in this section, a copy of which properly certified by the secretary of the board of public works, or by the director of works, as the case may be, shall be furnished to the said street railway or interurban railway company or companies, and the said payment to be made within five (5) days after such presentation.

All books and records of the company or companies performing said work, and which pertain in any manner to the said improvement, shall be open at all times to the inspection

of the board of public works, or the department of public works, as the case may be, or its authorized representative.

Section 4. After the construction of the substituted crossing, the city shall maintain the roadway, and should the roadway cross the railroad tracks by an overhead bridge or elevated structure, the city shall maintain such bridge or structure. Where the roadway passes under the railroad tracks, the railroad company or companies owning the tracks shall maintain the bridge or other structure and its abutments on their right of way, and beyond same when any damage or injury thereto is caused by it or them. Should any street railway or interurban railway company use the roadway, then, such street railway company or interurban railway company shall pay the cost of maintaining that part of the roadway which lies between their tracks and two feet on either side thereof.

Section 5. Whenever it is necessary for the purpose of a grade separation to condemn any property, the board of public works, or the director of works, as the case may be, may order the condemnation of such property, as provided in section 2831, Kentucky Statutes, and the proceedings therefor shall be instituted and prosecuted in the name of the city, by the city attorney, as provided in section 2852, Kentucky Statutes, for the condemnation of property for park purposes.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed.

§ 69. That an Act of the General Assembly of 1924 in Chapter 85, being an Act entitled "An Act to enable cities of the first class to issue bonds for the purpose of elimination of grade crossings of public streets over tracks of steam or electric railroads," approved March 29, 1924, be and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted, will read as follows:

Section 1. In order to provide money for the elimination of grade crossings of public streets in cities of the first class over tracks of steam or electric railroads so that said cities

of the first class may bear their proportion of such expense as is now authorized by the statutes in such cases made and provided, the legislative body of any such cities may adopt from time to time an ordinance or ordinances submitting to the voters of the city at any regular election held in such city the question whether bonds of the city shall be issued for the purpose aforesaid. The ordinance or ordinances shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total maount to be then issued and the ordinance or ordinances shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinances for the submission of the question of issuing bonds to the people may be adopted by the legislative body either prior or subsquent to the adoption of the system of plan to be used in the said elimiantion of said grade crossings. The said ordinance or ordinances shall provide the total amount of bonds to be issued under such ordinance but the total amount of bonds to be issued under this act and to be provided for by said ordinance or ordinances shall not exceed in the aggregate five million dollars ($5,000,000.00).

Section 2. All bonds that shall be issued under the provisions of this act and ordinance or ordinances passed by the legislative body in pursuance thereof shall when so issued be placed under the control of the board of public works, or department of public works, as the case may be, of said cities of the first class, which board or department shall determine when and at what price and how said bonds shall be sold. Provided, that no bonds shall be sold for less than par; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the said board of public works, or the department of public works, as the case may be, in the same depositories which are selected for the deposit of the

funds of the sinking fund commissioners of the city and upon the same agreement as to the interest and shall be withdrawn only as the ordinary funds of the city are withdrawn from the depositories as provided by law.

Section 3. If any ordinance submitting the question of a bond issue as herein provided shall not be carried by the voters of the city, the legislative body may at any regular election thereafter submit another ordinance for such a bond issue to the said voters as herein provided, and the rejection by the voters of any particular bond issue submitted to them as herein provided shall not prevent the legislative body thereafter submitting another ordinance or ordinances for such a similar bond issue until the total amount of bonds herein authorized shall have been voted for and issued.

Section 4. The proceeds of any bond issue herein authorized shall be used exclusively for the purpose of the city's proportionate share of the expense of the elimination of grade crossings of public streets over the tracks of steam or electric railroads as now provided by the statutes in such cases made and provided.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

§ 70. That Section 2841 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Said board of park commissioners shall consist of six persons, to be chosen as hereinafter provided, and the mayor of the city, who shall be ex-officio a member of the board. From and after the passage of this act, the offices of park commissioners shall cease to be elective. Provided, however, that the present members of said board, to which office they were elected by the vote of the people, shall continue to hold said office until the expiration of their respective terms of office. Upon the expiration of the terms of office of the three elected members of the present board, whose terms of office expire in

the year 1927, the mayor shall appoint three members who shall hold office for a term of two years from the date of their appointment and qualification. Upon the expiration of the terms of office of the other three elected members of the present board, whose terms of office expire in the year 1929, the mayor shall appoint six members who shall hold office for a term of four years from the date of their appointment and qualification. Thereafter all members shall be appointed by the mayor for a term of four years. No person shall be appointed, or, after appointment, shall continue to be a member of said board, or vote or act as such who is not a bona fide resident and housekeeper of the city, or who, after appointment, shall for ten days fail or refuse to take oath as herein provided.

§ 71. That Section 2842 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The persons elected or appointed as members of such board shall each, within ten days after election or appointment, make and subscribe oath before, to be attested by the county clerk or his deputy, to the effect that he will faithfully, diligently, and to the best of his skill and ability, perform all the duties of such park commissioner without favor or prejudice; that he is not subject to any of the prohibitions or disqualifications set out in this act; and that he will not be in any manner or to any extent, directly or indirectly, concerned in any contract, purchase, sale, salary, or emolument of any kind connected with or growing out of any business of said board, or the providing, purchasing, condemning, managing, or improving of any park property, or in supplying any labor, material, or thing of service in respect to same, save as herein permitted. Such oath shall be filed with the comptroller, until that office ceases to exist, as provided herein, and thereafter with the director of finance of the city, and shall be a public record.

§ 72. That Section 2843 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Each commissioner shall likewise and within ten days of such appointment, execute bond in the sum of twenty-five thousand ($25,000.00) dollars, payable to the city, with good security, to be approved by the mayor, conditioned that he will faithfully perform all duties of a park commissioner for the city as prescribed by law; which bond shall, when approved by the mayor, be filed with the comptroller or the director of finance, as the case may be, and be a public record. For any violation by the principal in such bond of any duty as park commissioner, for any participation by him, directly or indirectly, in any contract or sub-contract in respect to park property or the improvement thereof, or the furnishing of supplies of any kind therefor, suit may be maintained upon such bond as against the principal and sureties, such suit to be brought in the name of the city, and any recovery shall inure to the benefit of the fund for park purposes.

§ 73. That Section 2844 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

All vacancies in said board shall be filled by appointment by the mayor, and all commissioners now holding office shall continue to hold office until their successors are appointed and qualified, as provided herein.

§ 74. That Section 2860-1 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The wharves and landings of cities of the first class shall be under the care and control of the board of public works, until said board shall have ceased to exist as provided herein, and after said board shall have ceased to exist, said wharves

and landings shall be under the care and control of the department of public works of said city. The said board or department, as the case may be, shall fix and receive reasonable charges to be paid for the use of the same. The said board or department, as the case may be, shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintenedent of public wharves and an assistant superintendent of such wharves, to be appointed by the said board of public works or by the director of works, as the case may be, who shall prescribe the duties of said officers and fix their compensation as follows: the compensation of the superintendent of public wharves shall be not exceeding two thousand and five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. So long as the board of public works shall continue to exist, it shall have the power to appoint said officers and to fill vacancies occurring in either of said offices. When, however, the said board ceases to exist, the director of works, appointed as herein provided, shall appoint said officers, and thereafter the director of works shall have power to fill vacancies occurring in either of said offices.

§ 75. That Section 2860-2 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The said board of public works, and when it shall have ceased to exist, the department of public works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property is leased, in the judgment of the said board or of the director of works, required for wharf purposes.

§ 76. That Section 2860-3 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

All moneys that shall be collected for the use of wharves, landings and leases, or any part of wharf property not needed for wharf purposes and all other money or moneys received by the superintendent of public wharves from said wharves, landings and leases, shall be paid into the treasury or department of public finance of the city at the end of each and every week, and placed by the treasurer or the director of finance to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings and leaseholds shall be placed by the city treasurer or the director of finance annually to the credit of the general purposes fund.

§ 77. That Section 2861 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The board of public safety shall consist of three members. Each member of said board shall receive a salary of not less than two thousand five hundred dollars ($2,500.00). Except as otherwise provided by law, the board shall have exclusive control, under the ordinances of the general council, of all matters relating to the fire department, the police department, the health department, the department of buildings, of the pounds, and prisons, and market places, and of all the charitable, reformatory, and penal institutions of the city, including the city hospital, the alms-house, the city dispensary, the pest-house, the city workhouse, and all other buildings and institutions of a similar character belonging to the city, or under the supervision and control thereof. Said board shall also have charge of registration of births, marriages and deaths within the city, and the collection and publication of such statistical information as may be useful and necessary. Provided, how-

ever, that when the board of public safety ceases to exist as provided herein, the foregoing provision shall cease to have effect, and stand repealed; and provided further that from and after that time:

(1) All of the powers and duties of the board of safety, except as otherwise provided by law or this act, shall be vested in the department of public safety, the department of public welfare, and the department of public health respectively, as provided by this act.

(2) The department of public safety of said cities shall be under the supervision and direction of a director to be designated Director of Safety, and shall have exclusive control under the ordinances of the legislative body, of all matters relating to the divisions of Police and Fire Departments, inspection of weigths and measures and the City Pound, and such other matters as may be provided by Act of the General Assembly, or by ordinance.

(3) The said department, for administrative purposes, shall be divided into divisions such as, Division of the Police Department, Division of the Fire Department and such other divisions as may be provided by ordinance. Each of such divisions shall be under the direction of a Chief or head appointed by the Director of Safety.

§ 78. That Section 2862 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The Board of Public Safety may make by-laws and rules for the government of the inmates of its institutions, and may inflict proper but humane punishment in the enforcement thereof. Provided, however, that when said board of public safety shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and provided further that from and after that time:

To the extent herein enumerated, and except as otherwise provided by this act, the powers and duties vested in the said

Board of Public Safety shall be vested in the department of public welfare and department of public health, respectively, as provided by this act.

(a) The Department of Public Welfare of cities of the first class, when established as provided herein, shall be under the supervision and direction of a director to be designated Director of Welfare, and shall, except as otherwise provided by law, have exclusive control, under the acts of the General Assembly and the ordinances of the legislative body of said cities, of all matters relating to the provisions for and the supervision of the care of adult and juvenile delinquents, dependents and persons mentally deficient; the investigation of conditions that develop dependency, delinquency and mental deficiency; the education of the public regarding such conditions and the adoption of remedial measures; the provision for and supervision of public amusements and the promotion of opportunities for healthful recreation in play grounds and community centers; the supervision of public baths, comfort stations and cemeteries; the Detention Home, the Home for the Aged and Infirm, the City Workhouse; and may prescribe rules and regulations for the government and discipline of the inmates of the city's charitable and penal institutions, including in such rules general provisions for the deduction, for good conduct, from the time of persons confined in such penal institutions; and the supervision of the maintenance at the University of Louisville of classes in social welfare in order to provide trained workers for service in said department; and such other matters as may by ordinance be placed under the control of the said department not in conflict with any act of the General Assembly. The Director fo Welfare shall have the power to organize the said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions, who, under the supervision and control of said director, shall have the direction of such divisions.

(b) The Department of Public Health of cities of the first class when established as provided herein, shall be under the supervision and direction of a director to be designated Director of Health, and shall, except as otherwise provided by law, have exclusive control, under the acts of the General Assembly and the ordinances of the legislative body of said cities of all matters relating to the supervision of institutions safeguarding public health, including the city hospial, tuberculosis hospital, the pest house, the investigation of conditions that affect public health, the education of the public regarding those conditions and the adoption of remedial measures, the enforcement of all laws and regulations protecting public health, including laws regulating sanitation, milk inspection, meat inspection, livestock inspection, wells, drinking fountains, vaults, vaccination, quarantine, garbage disposal, ventilation and crowding, the maintenance of laboratories and clinics necessary for the promotion of public health, the maintenance of a psychiatric clinic, the use of which may be shared by the public schools and officials of the juvenile courts of counties containing cities of the first class, and shall have charge of the registration of births, marriages and deaths within the city, and the collection and publication of such statistical information as may be useful or necessary, and such other matters as may by ordinance be placed under the control of said department and not in conflict with any act of the General Assembly. The Director of Health shall have the power to organize said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions, who, under the supervision and control of said director, shall have the direction of such divisions.

§ 79. That Section 2863 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted, so as to read as follows:

The legislative body of any city of the first class may, by ordinance, locate any of its institutions which are under the supervision of the present board of public safety, or which when the said board shall have ceased to exist, are under the supervision of either the department of public safety or department of public welfare or department of health, as provided by this act, upon land now owned by the city, or to be hereafter provided for that purpose, anywhere in the county in which said city is situated, or may authorize the said board of public safety, so long as it exists, and thereafter the directors of the said departments, respectively, to select the location of institutions under their supervision within the county.

§ 80. That Section 2864 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety may, for good conduct, authorize deduction from the time of persons confined in the workhouse or any other penal institution. Provided, however, that when the said board of public safety shall have ceased to exist as provided herein, the foregoing provision shall cease to have effect and stand repealed.

§ 81. That Section 2865 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The commissioners of the board of public safety shall appoint a chief of policemen and a chief of firemen. Provided, however, that when the said board of public safety shall have ceased to exist as provided herein, the foregoing provision shall cease to have effect and stand repealed; and provided further that thereafter:

The director of safety provided for herein, shall appoint a chief of policemen and a chief of firemen and the assistant chiefs.

§ 82. That Section 2866 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted, so that same when so amended, revised, and re-enacted, will read as follows:

Excepting the chiefs and persons now employed in said departments and persons who have been employed in said departments during the past five years, every officer or employee shall, before appointment or selection, have the following qualifications:

1. He must read and write correctly and fluently the English language from dictation in the presence of examiners appointed by said board.

2. He must pass a satisfactory examination on the charter and ordinances of the city, and such parts of the constitution and statutes of the state as relate to the duties of his office.

3. He must be of sound health and sufficiently strong to be active and able to discharge easily his duties.

4. He must be at least twenty-one years of age; and

5. He must be a resident and voter in the city.

Provided, however, that when the Board of Public Safety shall have ceased to exist as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that time:

1. There shall be established in cities of the first class a civil service board consisting of four members two of whom shall be members of the political party receiving the largest number of votes, and two of whom shall be members of the political party receiving the next largest number of votes, at the last preceding general election. The mayor shall appoint the members of the civil service board from lists to be submitted by the chairmen of the governing bodies of the respective parties in said cities and the mayor shall be a member ex-officio of said board, and in case of a tie on any matter before the said board the mayor shall cast the deciding vote. The legislative body of said cities shall by ordinance fix the com-

pensation and the bonds of said members. No member or officer of the legislative body shall be eligible to membership in said civil service board. The first members of the board shall be appointed as soon as practicable after these provisions of this Act go into effect, and one member of said board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and one member for a term of four years, and upon the termination of said respective terms their successors shall be appointed for a term of four years each, and any vacancies occurring within the said respective terms shall be filled by appointment by the mayor as soon as practicable after such vacancy occurs for such unexpired term. Any member of said board shall be removable for neglect, incapacity or malfeasance in office by a two-thirds vote of the legislative body, after written charges have been preferred by or made to said body, upon at least ten days' notice and public hearing. Members of the civil service board shall be at least thirty years of age, and shall have been residents and voters in said city for at least three years, and no member of said board shall be eligible for any appointive office in said city during or for one year after the term for which he was appointed a member of said board, except for re-appointment as a member thereof, and no member of the civil service board shall receive any money or other valuable consideration or present of any nature for any purpose whatever from any official or city employee or from any candidate for appointment or for examination or from any person whomsoever for or on account of the recommendation, proposed appointment or proposed promotion, of any person.

2. The civil service board shall employ a secretary and a chief examiner (but the same person may perform the duties of both offices) and such further examiners and such clerical and other assistance as may be necessary, and shall determine the compensation of all persons so employed, and the legislative body shall make an annual levy and appropriation to

cover the reasonably necessary expenses of the civil service board.

3. The civil service board shall, after public notice and hearing, make, promulgate, and, when necessary, amend rules for the appointment, promotion, transfer, laying off, reinstatement, suspension, fine and removal of the personnel of the divisions of police department and fire department, excepting, however, the chiefs and assistant chiefs of said divisions, and for the classification of men for appointment, promotion and transfer, and shall report its proceedings and rules to the legislative body, the mayor and the director of safety.

Such rules shall, among other things, provide:

(a) For the standardization and classification of all positions and employments in said divisions, and the classification thereof into groups and sub-divisions shall be based upon and graded according to the respective duties and responsihilities thereof and so arranged as to promote the filling of the higher grades so far as practicable, through promotion. All salaries shall be uniform for like service in each grade as the same shall be standardized and classified by the civil service board.

(b) For open competitive tests to ascertain the relative fitness of all applicants for appointment to said divisions and such tests shall be practicable and relate to matters which will fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance of public advertisement in at least one newspaper of general circulation and by posting a notice in the city hall.

(c) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination, and for the filling of places in said departmental divisions by the heads thereof by selection from not more than three candidates graded highest on such

eligible lists, which lists shall remain in force not longer than one year.

In the absence of an appropriate eligible list any place may be filled temporarily by the heads of the divisions of the police and fire departments without examination for a period not to exceed sixty days, during which time the civil service board shall hold the necessary examinations for the filling of the place permanently, but persons may be temporarily employed for transitory work without examination for a period not to exceed sixty days and such employment shall not be renewed.

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be transferred to or assigned to perform any duties of any position subject to competitive tests unless he shall have been appointed to the position from which transfer is made as the result of an open competitive test equivalent to that required for the position to be filled, or unless he shall have served with fidelity for at least two years immediately preceding in a similar position of the city. Each list of eligibles, with the respective grades, shall be open to public inspection.

Any person appointed from the eligible list and laid off for lack of work or lack of appropriation shall be placed at the head of the eligible list and shall be eligible for re-appointment for a period of eligibility as provided by the rules of the board.

(d) For a period of probation not exceeding six months before an appointment or employment is made permanent.

(e) For reinstatement on the eligible lists of persons who without fault or delinquency are separated from the service.

(f) For promotion from the lower grades to the higher, based upon records of efficiency and seniority to be furnished by the departmental divisions in which the person is employed

and kept by said civil service board, or upon competitive promotion tests, or both.

4. Within six months after the civil service board has promulgated the rules herein provided for, all then members of the division of police and fire departments shall stand the examinations prescribed, and during said period and thereafter said examinations shall be open to all candidates, and all persons taking such examinations shall be graded, classified and their eligibility for service or continued service determined by the civil service board as herein provided, and all appointments, except as otherwise provided, shall be made by the heads of the divisions of police and fire departments from the eligible lists so created and certified by the civil service board. All persons appointed from the eligible lists shall be known as in the classified service.

5. No person in the classified service shall directly or indirectly give, solicit, or receive or be in any manner concerned in giving, soliciting, or receiving any assessment, subscription or contribution for any political party or purpose whatever. No person whosoever shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in the classified service. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position within the classified service as a reward or return for personal or partisan political service. No person about to be appointed to any position in the classified service shall sign or execute a resignation dated or undated in advance of such appointment. No person in the classified service shall be suspended, laid off, demoted or promoted, or in any way changed in official rank or compensation, for withholding or neglecting to make any contribution of money or service or any other thing of value for any political purposes.

No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any person in the classified service, and no person shall knowingly send or present, directly or indirectly, in person or by letter, any political assessment, subscription or contribution to, or request its payment by any person in the classified service.

No person in the classified service shall act as an officer of any political organization, or be a member thereof, or take any active part in any political campaign or serve as a member of the committee of any such organization, or circulate or seek signatures to any petition provided for by any primary or election laws, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office, whether federal, state, county or municipal.

6. No question in any examination held hereunder shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay off, promotion, reduction, suspension, fine or removal shall be affected or influenced by such opinions or affiliations.

7. Any person who shall knowingly violate any of the civil service provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, and if such person be an applicant for an examination he shall be excluded from such examination for one year thereafter, and if the name of such person be on an eligible list his name shall be removed therefrom, and if he be an officer or employee of the city, he shall be removed forthwith from the service and be ineligible for appointment for one year thereafter.

8. Any officer or employee in the classified service may be removed, suspended, laid off, reduced in grade or fined by the chief of the division in which he is employed, for any cause which will promote the efficiency of the service, but he must

first be furnished with a written statement of the reasons therefor and be allowed a reasonable time for answering such reasons in writing, which answer, if he so requests, shall (so far as the same is relevant and pertinent) be made a part of the records of the division in which he is employed, and he may be suspended from the date when such written statement of reasons is furnished to him. No trial or examination of witnesses shall be required in such case except in the discretion of the director of safety to whom such officer or employee may appear for review of the action of the chief of the division. In all cases provided for in this paragraph the action of the director of safety shall be final.

The civil service board shall also have the right to remove or reduce any person in the classified service upon written charges of misconduct, preferred by its own initiative or by any citizen but only after reasonable notice to the accused and full hearings. It shall be the duty of the civil service board to fix a minimum standard of conduct and efficiency in each grade of the service, and whenever it shall appear to said board that the efficiency or eligibility of any employee in the classified service has fallen below the minimum such employee shall be called before the board, to show cause why he should not be removed and if upon hearing no reason is shown satisfactory to the board, he shall be removed, suspended or reduced in rank by the head of the division as the board shall determine, and the judgment of said board shall be final and not subject to review in any court; but on demand either of the accused or the accuser or by order of the board, any hearing of said board provided for herein, shall be public.

The civil service board shall have power to issue subpoenas attested in the name of the chairman to compel the attendance of witnesses upon any proceedings authorized by law or its rules or regulations.

§ 83. That section 2867 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and

in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety, and when it shall have ceased to exist, as provided herein, the civil service board created herein shall provide a manual of instruction for the study by persons who wish to acquire knowledge of the ordinances and charter of cities of the first class and such parts of the Constitution and Statutes of the state as relate to the duties of members of the police and fire departments of said cities.

§ 84. That section 2868 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised, and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

The chief of policemen shall have exclusive direction and control of the police force, subject to the rules, regulations and orders of said Board of Public Safety. In times of peril, from riot, extensive conflagrations, disorder, or the apprehension thereof, the chief of policemen shall be subordinate to the mayor, and obey his orders and directions.

Provided, however, that when the Board of Public Safety shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that time:

The chief of policemen, in accordance with the tests, rules and regulations formulated and administered by the civil service board, and subject to such rules and regulations and orders, not in conflict with the rules and regulations of the civil service board, as may be prescribed by the director of safety, shall have exclusive direction and control of the police force of said cities.

§ 85. That section 2870 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety, and when it shall have ceased to exist, as provided herein, the director of safety may, in case of need, appoint special police to do special duty at any place within said city, on such terms as it or he may deem proper and not in conflict with the civil service provisions of said city, when same become effective as provided for herein, and these special policemen shall be governed by such rules and regulations as said board or the said director may provide, and be given such powers as said board or said director allows; and in case no such rules are provided, they shall have the power and duties of ordinary policemen.

§ 86. That section 2871 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

No officer or policeman, or member of the fire department shall be called on for any contribution or assessment by any superior or political organization or committee. No officer or member of said police or fire department shall be allowed to solicit any contributions or funds, or to sell any tickets, or procure money by any devices from the public. Any person violating the provisions of this section shall be fined in a sum not exceeding one hundred dollars ($100.00) or imprisoned for a period not exceeding two months, or both so fined and imprisoned.

Provided, however, that when the said Board of Public Safety ceases to exist as provided herein, and when the civil service provisions herein provided for become effective, the foregoing provisions shall cease to have effect and stand repealed.

§ 87. That section 2872 of the Kentucky Statutes (Carroll's edition, 1915), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

No policeman or police officer shall be allowed, without the consent of the Board of Public Safety, and, when said

board shall have ceased to exist, as herein provided, without the consent of the director of safety, in each case, to receive any money, or gratuity, or compensation, in addition to his salary, for any service he may render.

§ 88. That section 2872a-2 of the Kentucky Statutes Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same when so amended, revised and re-enacted will read as follows:

That as soon as practicable after the passage of this act, there shall be organized in connection with the police department in all cities of the first class in this Commonwealth, a board to be known as the board of trustees of the policemen's pension fund, which board shall be composed of the mayor, the chairman of the Board of Public Safety, and, when said board shall have ceased to exist, as herein provided, the director of safety, the city treasurer, and when the office of the city treasurer ceases to exist as herein provided, the director of finance, the chief of police and the comptroller, and, when the office of comptroller ceases to exist, as herein provided, the comptroller and inspector herein provided for, and said board shall select from its members a president and secretary. The city treasurer or the director of finance, as the case may be, shall be ex-officio treasurer of said board, and of the funds coming into its hands. The members of said board shall continue members thereof until their respective successors are elected, or appointed, and qualified.

§ 89. That section 2872a-3 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

There may be levied and set apart by the legislative body of any cities of the first class in this Commonwealth, for the year nineteen hundred and twenty-three, a tax of not more than two cents on each one hundred dollars of value of taxable property in said cities for said years, as a fund for the pensioning, as hereinafter provided, of members of the police

department, and the families of deceased members thereof, in said cities, and a like tax may be levied and set apart for the same purpose for each succeeding year until said fund shall have reached the sum of three hundred thousand dollars as of date the first of September, preceding, in which event the levy of said tax shall cease; but should said fund thereafter, as of the first of September in any year, fall below the sum of three hundred thousand dollars, then said tax may be levied for the next succeeding year and for each year thereafter until said fund shall have again reached the sum of three hundred thousand dollars as of the first of September, immediately preceding the time of making the usual tax levy in said cities, it being one of the purposes of this act to permit the amount of said fund to be kept at all times as near as possible to three hundred thousand dollars. All moneys withheld from officers, members, or employes of the police department as punishment for any breach of discipline, misconduct or violation of the rules and regulations of said department shall be paid into said fund each month and credited upon the payroll of the department payable to said fund for that purpose, and all fines imposed by the board of public safety, or by the director of safety, as the case may be, upon officers, members, or employes of the police department, by way of discipline, and collectible from pay or salary, shall be paid into the treasury to the credit of said fund. Such donations, together with the payments aforesaid and the tax levy aforesaid, shall constitute and be kept as a fund to be called the policemen's pension fund, and the board hereinbefore designated is hereby declared to be the trustee of said fund, and it shall have power and it shall be its duty, from time to time, to invest the same, in whole or in part, as it shall deem most advantageous, for the objects of the said fund; and it is empowered to take all necessary remedies in the premises.

§ 90. That section 2872a-4 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed,

and in lieu thereof that said section be re-enacted so as to read as follows:

Said board shall have exclusive control and management of said fund, and may assess each member of the police department not less than fifty cents nor more than one dollar per month while he is such member to be deducted and withheld from the pay of each member so assessed, the same to be placed by the treasurer or director of finance as the case may be, of each city of the first class, to the credit of such fund, subject to the order of the board.

§ 91. That section 2872a-12 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The treasurer of the board of trustees shall be custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety in such penal sum as the board shall direct, to be approved by the board conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys, or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller or the comptroller and inspector, as the case may be, as other bonds, and may be sued on in the name of said city, for the use of said board, or in the name of said board, or any person or persons injured by a breach thereof.

§ 92. That section 2872a-13 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer or director of finance, as the case may be, of said city on request in writing by said board of trustees to draw warrants on the said treasurer or director of finance of said city, payable to the treasurer of said board of trustees, for all funds belonging to said pension fund as aforesaid.

§ 93. That section 2873 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised, and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The government, administration, disposition and discipline of the police department and police force shall be such as the board of public safety may, and is hereby authorized from time to time by rules, orders and regulations, prescribe, but in strict conformity to the provisions of "an act for the government of cities of the first class."

Provided, however, that when the said Board of Public Safety shall have ceased to exist, as herein provided, the foregoing provisions shall cease to have effect and stand repealed; and provided further, however, that the police department of said cities, as constituted and functioning at that time, shall continue as so organized and be under the department of public safety until such time as it shall be reorganized and established by the department of public safetv in accordance with the provisions of the act creating said department of public safety and civil service commission for said cities.

§ 94. That section 2874 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same when so amended, revised and re-enacted will read as follows:

The Board of Public Saftey is authorized and empowered to make, adopt and enforce rules, orders and regulations for the government, discipline, administration and disposition of the police department and police force and the members thereof. The board shall have power and it is authorized to adopt rules and regulatins for the examination, hearing, investigation and determination of charges made or preferred against members of the said police force, but no member or members of the police force (except as provided in this chapter) shall be fined, reprimanded, removed, suspended or dismissed from the police force, until written charges shall have been made or preferred against him or them, nor until chages have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination and investigation as the said board of public safety may, by rules and regulations, from time to time, prescribe; provided, however, that any member of the police force who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full police service or duty, may be removed and dismissed from the police force by resolution of the board of public safety. A copy of the rules and regulations, or any or either of them of the police department or board of public safety, passed or adopted by such board, may when certified by the president of said board and the chief clerk of said police department or board, be given in evidence upon any trial, investigation, hearing or proceedings, in any court or before any tribunal, commissioner or commissioners, board or competent body, with the same force and effect as the original.

Provided, however, that when the said board of public safety shall have ceased to exist, as herein provided, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that time the director of safety is authorized and empowered to make, adopt and enforce rules, orders and regulations not in con-

flict with the rules and regulations of the civil service board, for the government, discipline, administration and disposition of the police department and police force and the members thereof. A copy of the rules and regulations, or any or either of them, of the division of the police department or the department of public safety, and of civil service board of said cities, may, when certified by the director of safety, and a copy of the rules and regulations, or any or either of them, of the civil service board, when certified by the chairman of the said board, be given in evidence upon any trial, investigation, hearing or proceeding, in any court or before any tribunal, commissioner, or commissioners, board or competent body, with the same force and effect as the orignial.

§ 95. That section 2875 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted, will read as follows:

The Board of Public Safety shall have power to issue subpoenas attested in the name of the chairman to compel the attendance of witnesses upon any proceeding authorized by law or its rules and regulations. The Board of Public Safety is hereby authorized and empowered to investigate, take evidence and hear any charge or charges made or preferred against any member or members of the police force; but no judgment or other determination shall be rendered or pronounced, dismissing, removing or suspending any member or members of said police force, or imposing any fine or forfeiture unless a majority of the board of public safety shall concur.

Provided, however, that when the said Board of Public Safety shall have ceased to exist as herein provided, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that time the director of safety is hereby authorized and empowered to issue subpoenas, attested by his signature, and to investigate, take evidence and hear any charge or charges made or pre-

ferred against any member or members of the police force, and to dismiss, remove, suspend or punish any member or members of said police force, subject, however, to the laws, rules and regulations governing the classified service, as provided for herein.

§ 96. That section 2876 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety, and when it shall have ceased to exist, as provided herein, the department of public safety shall at all times cause the ordinances of cities of the first class, not in conflict with law, to be properly enforced; and it shall be the duty of said board or said department, as the case may be, whenever consistent with the rules and regulations of the said board or department of public safety, and the requirements of this act, to furnish all information desired.

§ 97. That section 2877 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety, and, when it shall have ceased to exist, as provided herein, the department of public safety may, from time to time, establish, provide and furnish stations and station houses for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested; and it shall also provide and furnish such business accommodations, apparatus and articles and provide for the care thereof, as shall be necessary for the division of police department and the transaction of the business thereof. The said Board of Public Safety, and when said board shall have ceased to exist, the department of public safety is hereby authorized and empowered to furnish vehicles, to be known as patrol wagons, to be assigned to police headquarters, which said vehicles shall be under the

custody and care of the division of police department, and for the exclusive use thereof.

§ 98. That section 2878 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

In rural and sparsely inhabited precincts the Board of Public Safety, and, when said board shall have ceased to exist, as provided herein, department of public safety may establish a mounted patrol, and procure and use and employ so many horses and equipment as shall be requisite for the purpose; and they may procure and cause to be used any teams and vehicles required and may sell and dispose of, in accordance with law, any personal property owned or used in the department whenever it shall have become old and unfit and not required for service.

§ 99. That section 2879 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised or re-enacted, will read as follows:

It shall be the duty of the members of the police force to promptly advise the board of public safety of all threatened danger to human life or health, and of all matters thought to demand its attention and to regularly report to said board of public safety all violations of its rules and ordinances and of the health laws and all useful sanitary information under such rules as the Board of Public Safety may provide.

Provided, however, that when the said Board of Public Safety shall have ceased to exist, as herein provided, it shall be the duty of the members of the police force to promptly advise the director of safety of all threatened danger to human life or health, and all matters thought to demand his attention, and to report regularly all violations of the rules of the department of public safety, ordinances and health laws, and all useful sanitary information, to the director of

safety, who shall, so far as the same may be pertinent, transmit such information to the director of health of said city.

§ 100. That section 2880 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised or re-enacted, will read as follows:

The police force shall consist of one chief of police, with the rank of colonel; one assistant chief of police, with the rank of major; seven captains of police; fourteen lieutenants of police; twenty-two sergeants of police; one secretary of police, and patrolmen not exceeding one for each seven hundred inhabitants. The board of public safety shall appoint all the members of the police force and shall have power, and is authorized to increase the police force by adding to the number of patrolmen, from time to time, provided the general council shall have previously made an appropriation for that express purpose. The board of general council may include in the annual tax levy an amount sufficient to provide for the compensation of additional patrolmen authorized to be appointed pursuant to the provisions of this section. The board of public saftey shall maintain and continue a detective force and shall select and appoint to perform detective duty, one of whom shall be chief of detectives, as many patrolmen as said board of public safety may from time to time, determine to be necessary to make this branch of the police force efficient. The patrolmen so selected and appointed shall be called detective sergeants, and shall, while performing such detective duty be vested with the same authority and be entitled to receive and be paid such salary as policemen as the general council may from time to time provide.

But the Board of Public Safety may, by resolution, reduce to the grade of partolmen and transfer such detectives or any number of them to perform patrol or other police duty, and, when so transferred, they shall only receive and be paid the same rate of compensation each as patrolmen of police (section as amended by act of March 21, 1906).

Provided, however, that when the board of public safety shall have ceased to exist, as herein provided, and upon the organization of the division of police department under the department of public saftey, as provided herein, the police force shall consist of one chief of police, with the rank of colonel, and such asssitant chiefs with the rank of major and captains, lieutenants, sergeants, detectives and patrolmen, and employes as may be deemed necessary by the dirctor of safety, and for which the legislative body shall have made appropriation.

§ 101. That section 2881 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

Promotion of officers and members of the police force shall be made by the board only on the grounds of meritorious police service and superior capacity and shall be as follows: Sergeants of police shall be selected from among patrolmen, lieutenants of police from among sergeants, captains of police from among lieutenants and majors of police from among captains. But the chief of police may be appointed by said board as it may deem best.

Provided, however, that when the said board of public safety shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 102. That section 2882 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted, will read as follows, when so amended, revised and re-enacted:

The Board of Public Safety shall have power, in its discretion, on conviction by said board or by any court or officer of competent jurisdiction, of a member of the force of any legal or criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other

breach of dicipline to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension or by dismissal from force; but no more than thirty days' pay or salary shall be forfeited or deducted for any offense. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary or compensation from any member or members of the police force, for, or on account of absence for any cause, without leave, lost or sick time, sickness or other disability, physical or mental; and said board is authorized from time to time, to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section. No action, suit or proceeding, either at law or in equity, shall be commenced or maintained against the mayor, the city, board of public safety, or any member thereof, or member or members of the general council, by any member or officer, or former member or officer of, or belonging to, the police force or department of said city, to recover or compel the payment of any salary, pay, money or compensation for, or on account of any service or duty, or to recover or compel the payment of any salary, pay, money or thereof forfeited, deducted or withheld for any cause, or to restore or reinstate to the police force or department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after such cause of action shall have accrued.

Provided, however, that when the said board of public safety shall have ceased to exist as herein provided, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that time, no action, suit or proceeding, if any, either at law or in equity, shall be commenced or maintained against the city, department of public safety or any officer thereof, or against the mayor, or members of the legislative body, by any member or officer, or former member or officer of or belonging to, the police force, to recover or compel the payment of any salary,

pay, money or compensation, for or on account of any service or duty, or to recover any salary, compensation or moneys, or any part thereof, forfeited, deducted or withheld for any cause, or to restore to or reinstate in the division of police department, any member or officer thereof, unless such action, suit or proceeding shall be commenced within six months after the cause of action shall have accrued.

§ 103. That Section 2883 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

No member of the police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Board of Public Safety. Absence without leave of any member of the police force for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be a member of the police force, and be dismissed therefrom without notice. No leave of absence exceeding twenty days in one year shall be granted or allowed any member of the police force.

Provided, however, that when the said Board of Public Safety shall have ceased to exist as herein provided, the foregoing provisions shall cease to have effect and stand repealed.

§ 104. That section 2884 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted so that same when so amended, revised and re-enacted will read as follows:

The Board of Public Safety shall designate the salary and compensation for each member and officer of said police force, and may fix the salaries and compensation of such clerks and employees, other than policemen, who they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. The compensation of the members of the

police force shall be payable monthly by payrolls as provided by ordinances.

Provided, however, that when the said Board of Public Safety shall have ceased to exist as herein provided, the foregoing provisions shall cease to have effect and stand repealed; and provided further that, from and after that time:

The director of safety shall designate the salary and compensation for each grade of officers, members and employees of the division of police department of said city, subject, however, to the gross amount of the appropriation made by the legislative body for the support of said division of police department. The compensation of the members, officers and employees of the division of police department shall be payable monthly by payrolls, as provided by ordinances.

§ 105. That Section 2886 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The chief of police and each captain of police within his district shall possess powers of general police supervision and inspection over all licensed and unlicensed pawnbrokers, vendors, junk-shop keepers, junk boatmen, cartmen, dealers in second hand merchandise, intelligence office keepers and auctioneers within the city; and in the exercise of and in furtherance of said supervision may, from time to time, empower the members of the police force to fulfill such special duties in the aforesaid premises as may be, from time to time, ordained by the Board of Public Safety, and when said Board shall cease to exist, as provided herein, by the director of safety. The said chief and each captain within his district may, by authority in writing, empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises, or the business premises of any licensed vendor, or licensed junk-shop keeper,

or dealer in second-hand merchandise, or intelligence office keeper, or auctioneer, or boat of any junk boatman. Any such member of the police force, when thereto authorized in writing by the said chief or captain shall be authorized to examine property, alleged to be pawned, pledged, deposited, lost or stolen, in whosesoever possession said property may be; but no such property shall be taken from the possession thereof, without due process on authority of law. Any wilful interference with the said chief or captain of police, or with any member of the police force, by any of the persons hereinbefore named in this section, whilst in official discharge of duty, shall be punished as a misdemeanor.

§ 106. That Section 2888 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety and, when said Board shall have ceased to exist as provided herein, the director of safety may employ some person as clerk, who shall be designated property clerk, to take charge of all property alleged to be stolen or embezzled, and which may be brought into the police office and all property taken from the person of a prisoner, and all property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be taken into the custody of any member of the police force or criminal court, or which shall come into the custody of any police officer, shall be by such member, or by order of said court given into the custody of and kept by the property clerk of the police department. All such property and money shall be particularly described and registered by said property clerk in a book kept for that purpose, which shall contain the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the same, a description thereof, the names of all claimants thereto, and any final disposition of

such property or money. The Board of Public Safety and, when said Board shall have ceased to exist, the director of safety may prescribe regulations in regard to the duties of the clerk so designated, and require and take security for the faithful performance of the duties imposed by this section; but all animals stolen, strayed, or lost which shall come into the possession of said property clerk, shall by him be transferred and sent to the public pound in said city, anything herein contained to the contrary notwithstanding.

§ 107. That Section 2890 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

If the property stolen or embezzled be not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, the officer having it in his custody must, on payment of the necessary expenses incurred in its preservation, deliver the same to the property clerk. The property so delivered to said property clerk, and all such other property, securities, moneys, things, or choses in action that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, after having been advertised for the period of ten days may be sold at public auction in a suitable room to be designated for such purpose, and the proceeds of such sales shall be paid into the City Treasury or into the Department of Public Finance as the case may be, of said city to the credit of the police department. No property shall be delivered to the property clerk except as provided in this Act.

§ 108. That Section 2892 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety and, when said Board shall have ceased to exist, as provided herein, the director of safety shall, on application of any person or persons, appoint any

number of private policemen to do duty at any place within the city, at the charge of and expense of the person or persons by whom such application is made; and said private policemen shall have the same qualifications as to citizenship as members of the regular police force, and said private policemen, so appointed, shall take an oath of office and shall furnish bond in the same manner as patrolmen and shall wear such dress and insignia of office as the Board of Public Safety, and, when said Board shall have ceased to exist, as the director of safety may direct. Said private policemen shall hold their appointment during good behaviour. While holding such appointment they shall be restricted in the performance of their duties to the particular place and locality to which they may be appointed. Such private policemen shall not be subject to civil service regulations.

§ 109. That Section 2893 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted, so that, when so amended, revised, and re-enacted will read as follows:

Each member and officer of the police force hereafter appointed shall be an elector and shall have been a resident for three years in the city in which he is appointed. No person shall be appointed a member or officer of the police force unless he is well known to be a man of sobriety and integrity, and has been and is an orderly and law-abiding citizen. No man shall be appointed a member or officer of the police force who has been convicted of any felony, or who has been engaged in any unlawful calling, or has pursued any calling in a manner forbidden by law; nor shall any person be appointed a member or officer of said force on account of any political partisan service rendered by him; nor shall any officer or member or said force be removed or discharged or reduced in grade or pay for any political reasons. Their appointment and continuance upon the police force shall depend absolutely upon their ability and their willingness to enforce the law.

Provided, however, that when the Board of Public Safety shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 110. That Section 2894 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Each officer and member of the police force, private policemen, special policemen, and substitute policemen, before entering upon the discharge of the duties, shall take an oath before the Mayor or the director of safety, when the Department of Public Safety is established as herein provided, who is hereby empowered to administer the same, to well and faithfully discharge the duties of his office, which oath shall be subscribed by the person taking it and shall be filed for preservation in the office of the Board of Public Safety, and after said Board shall have ceased to exist as provided herein, in the office of the department of public safety. All bonds for the police force shall be signed by at least two freeholders as sureties, who shall prove to the satisfaction of the Board of Public Safety or the director of safety, as the case may be, that they own real estate within the county in which such city is located.

§ 111. That Section 2895 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted, will read as follows, when same is so amended, revised and re-enacted:

It shall be the duty of the Board of Public Safety, at least once in each year, to require the examination and inspection of the entire police force, and for the purpose the board of public safety may appiont such of its members as examiners as it may select. The Board of Public Safety may order any officer or member of the force, at any time, to be inspected and examined. Gross ignorance of the laws and regulations governing and directing the police force, and of ordinances of cities of the first class, after six months' service as officer or

member, or at any time thereafter, shall be deemed conclusive proof of inefficiency, and said board may remove such officer or member of the force.

Provided, however, that when the Board of Public Safety shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 112. That Section 2896a-3 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

That the government, administration, disposition and discipline of the fire department, and the officers, members and employees thereof, shall be such as the Board of Public Safety may, and is hereby authorized from time to time by rules, orders and regulations not in conflict with this act, to prescribe.

Provided, however, that from and after the time that the Board of Public Safety shall have ceased to exist, as provided herein, the government, administration, disposition and discipline of the division of fire department, and the officers, members and employees thereof, shall be such as the director of safety may, by rules, orders and regulations, not in conflict with the rules and regulations of the civil service board, prescribe.

§ 113. That Section 2896a-4 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety is authorized and empowered to make, adopt and enforce rules, orders and regulations, not in conflict with this act, for the government, discipline, administration and disposition of the fire department, and the officers, members and employees thereof. The board shall have power, and is authorized to adopt rules and regulations for the examination, hearing, investigation and determining of charges made or preferred against members of the fire depart-

ment or employees thereof; but no officer, member or employee thereof (except as provided in this act) shall be fined, reprimanded, removed, suspended, or dismissed from the fire department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination, and investigation as the said Board of Public Safety may, by rules and regulations, from time to time prescribe; Provided, however, that any officer, member or employees of the fire department who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full fire service, or duty, may be removed or dismissed from the fire department by resolution of the Board of Public Safety.

A copy of the rules and regulations, or any or either of them, of the fire department of Board of Public Safety, may, when certified by the chaiman or president of said board, and the chief clerk of said fire department or Board of Public Safety, be given in evidence upon any trial, investigation, hearing or proceeding of any court or before any tribunal, commissioner or commissioners, board or competent body with the same force and effect as the original.

Provided, however, that from and after the time the Board of Public Safety shall have ceased to exist as provided herein, the foregoing provisions of this section shall cease to have effect and stand repealed; provided, further, that from and after that time:

A copy of the rules and regulations, or any or either of them of the division of fire department or of the department of public safety, may, when certified by the director of safety, and the chief clerk of the division of fire department or the department of public safety, be given in evidence upon any trial, investigation, hearing or proceeding in any court before any tribunal, civil service board, commissioner or commission-

ers, or competent body, with the same force and effect as the original.

§ 114. That Section 2896a-5 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

The Board of Public Safety shall have the power to issue subpoenas, attested in the name of the chairman or president, to compel the attendance of witnesses upon any proceeding authorized by law or its rules and regulations. The Board of Public Safety is hereby authorized and empowered to investigate, take evidence, and hear any charge or charges made or preferred against any member or members of the fire department, but no judgment or other determination shall be rendered or pronounced, dismissing, removing or suspending any officer, member or employee of said fire department, or imposing any fine or forfeiture, unless a majority of the Board of Public Safety shall concur.

Provided, however, that from and after the time that the said board shall have ceased to exist, as provided herein, the foregoing provisions of this section shall cease to have effect and stand repealed.

§ 115. That Section 2896a-6 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety, and, when said board shall have ceased to exist, as provided herein, the department of public safety may, from time to time, establish, provide and furnish engine houses and shall also provide and furnish such accommodations, apparatus, and articles, and provide for the care thereof as shall be necessary for the division of fire department and the transaction of the business of said division.

The said board or said department of public safety as the case may be, is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses and other necessary

equipment for such houses, which apparatus, wagons, horses and other necessary equipments shall be under the control and care of said division of fire department and for the exclusive use thereof.

§ 116. That Section 2896a-7 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted will read as follows:

The fire department shall consist of one chief whose salary shall not be less than three thousand five hundred dollars ($3,500.00) per year; one secretary for the fire department, whose salary shall not be less than one thousand eight hundred dollars ($1,800.00) per year; assistant chiefs of firemen, not exceeding in number one to each six companies in active service, and the salary of each assistant chief shall not be less than one thousand eight hundred dollars ($1,800.00) per year, one captain for each fire company, whose salary shall not be less than ninety-five dollars ($95.00) per month; one chief operator of the fire alarm telegraph, whose salary shall not be less than one thousand five hundred dollars ($1,500.00) per year; one master mechanic or superintendent of machinery whose salary shall not be less than one hundred dollars ($100.00) per month; one driver for each apparatus in service, whose salary shall not be less than two dollars and twenty-five cents ($2.25) per day; one stoker for each steam fire engine in service, whose salary shall not be less than two dollars and twenty-five cents ($2.25) per day; one engineer for each steam fire engine in service, whose salary shall not be less than ninety dollars ($90.00) per month; not less than two pipemen for each steam fire engine company, the salary of each not to be less than two dollars and fifty cents ($2.50) per day, seven laddermen for each hook and ladder company, the salary for each to be not less than two dollars and fifty cents ($2.50) per day; not less than two tower men for each water tower company, whose salary shall not be less than two dollars

and fifty cents ($2.50) per day; not less than two pipemen for each combination chemical and hose company, the salary of each not to be less than two dollars and fifty cents ($2.50) per day; not less than two hydrant men, each of whom shall receive a salary of not less than two dollars and fifty cents ($2.50) per day; not less than four fire alarm operators, the salary of each not to be less than two dollars and fifty cents ($2.50) per day; one aid to the chief whose salary shall be not less than two dollars and fifty cents ($2.50) per day; one foreman of repair shop, whose salary shall not be less than ninety dollars ($90.00) per month; not less than one employee who shall be a mechanic of the repair shop, whose salary shall not be less than two dollars and fifty cents ($2.50) per day; not less than one fire department painter whose salary shall be not less than two dollars and fifty cents ($2.50) per day; not less than two pipemen for each chemical engine company, the salary of each not to be less than two dollars and fifty cents ($2.50) per day; not less than four linemen for fire alarm telegraph, each to receive a salary of not less than two dollars and fifty cents ($2.50) per day; not less than one batteryman, whose salary shall be not less than two dollars and fifty cents ($2.50) per day. There shall not be less than one harness maker, whose salary shall be not less than two dollars and fifty ($2.50) per day. There shall not be less than one substitute fireman for each company.

Provided, however, that when the Board of Public Safety shall have ceased to exist, as provided herein, and when the Department of Public Safety, in cities of the first class, has been established as provided herein, and the division of fire department shall have been organized as provided by this act, the foregoing provisions of this section shall cease to have effect and stand repealed. Provided further, however, that,

The fire department of said cities, as organized when the provisions of this section shall become effective, shall be and the same is hereby continued under the department of public safety until such time as it shall be re-organized by the depart-

ment of public safety in accordance with the provisions of this act creating said department a civil service commission for said cities; and thereafter, the division of fire department shall consist of one chief and such assistant chiefs, captains, firemen and employees as the director of safety shall deem necessary for the efficiency of the division of the fire department, and the director of safety shall fix the compensation to be paid in the several grades of services, subject, however, to the gross amount of the appropriation made by the legislative body for the support of said division, and the chief of such division shall make appointments and promotions only in accordance with the civil service regulations.

§ 117. That Section 2896a-8 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The board of public safety may, upon the recommendation of the chief of firemen, increase the number of firemen to such number as may, in his or their wisdom, be necessary to the efficiency of said department.

Provided, however, that from and after the time the said board shall have ceased to exist as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 118. That Section 2896a-9 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety shall appoint all officers, members and employees of the fire department. No person shall be eligible to serve as chief of firemen, or assistant chief of firemen, who has not been a member of said department continuously for five years previous to his appointment or election.

No person shall be a captain for any fire company who has not been a member of said department for three years, one year of which shall have been continuously previous to his ap-

pointment. All promotions in the fire department shall be for merit, such promotions to be made only upon recommendation of the chief of firemen.

Provided, however, that from and after the time that the said board shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 119. That Section 2896a-10 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted will read as follows:

The Board of Public Safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of any officer, member or employee of the fire department, of any legal or criminal offense or neglect of duty, violating of rules, or neglect or disobedience of orders, or absence without leave, or conduct unbecoming an officer, member or employee, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense. Provided, however, that from and after the time that the Board of Public Safety ceases to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and, Provided further that from and after that time,

Subject to the rules and regulations of the civil service board, the director of safety shall have power, in his discretion, to punish any officer or employee of the division of fire department, by reprimand, forfeiture and withholding pay for a specified time, suspension without pay during such suspension or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense.

§ 120. That Section 2896a-11 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary, or compensation from any officer, member or employee of the fire department for or on account of absence for any cause without leave, sickness, or other disability, physical or mental. Said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

Provided, however, that when the said Board of Public Safety shall have ceased to exist as provided herein, and the board of civil service shall have been established as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 121. That Section 2896a-12 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

Absence without leave, or without total disability of any officer, member, or employee of the fire department for five consecutive days shall be deemed and held to be a resignation, and the member so absent shall, at the expiration of said period, cease to be an officer, member or employee of the fire department, and be dismissed therefrom without notice. No leave of absence shall be granted or allowed any officer, member, or employee of the fire department without the recommendation or approval of the chief of said department.

Provided, however, that when the said Board of Public Safety shall have ceased to exist, as provided herein, and the board of civil service shall have been established as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 122. That Section 2896a-13 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

The Board of Public Safety shall designate the salary and compensation of any other persons than those mentioned in this act whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the general council for the support of said department. Compensation of the officers, members and employes of the fire department shall be payable monthly by pay roll, as provided by ordinance.

Provided, however, that when the said board shall have ceased to exist, as provided herein, and the divisions of fire department in cities of the first class shall have been organized, pursuant to the provisions of this act, the foregoing provisions of this section shall cease to have effect and stand repealed; and provided, further, that from and after that time:

Compensation of officers, members and employes of the division of fire department shall be payable monthly or weekly by payroll, as provided by ordinance.

§ 123. That Section 2896a-16 of the Kentucky Statutes (Carroll's Edition), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

There shall be organized in connection with the fire department in all cities of the first class, a board, to be known as the board of trustees of the firemen's pension fund, which shall be composed of the mayor, chairman of the board of safety, and, when said board shall have ceased to exist as provided herein, the director of safety, the city treasurer or director of finance, as the case may be, chief of the division of fire department, and the comptroller or comptroller and inspector, as the case may be, and said board shall select from its number a president and a secretary. The city treasurer or the director of finance, as the case may be, shall be ex-offi-

cio treasurer of said board and of the funds coming into its hands.

§ 124. That Section 2896a-17 of the Kentucky Statutes (Carroll's Edition), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

There may be levied and set apart by the legislative body of cities of the first class a tax for the year 1921, not exceeding two cents on each one hundred dollars of taxable property in said cities for said year as a fund for the pensioning of crippled and disabled member of the division of fire department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the division of fire department of said cities, and a like tax may likewise be levied and set apart for the same purpose, for any succeeding year when the amount and value of property to the credit of the firemen's pension fund falls below three hundred thousand dollars as of the date of the first of September preceding, that is, if during any year succeeding nineteen hundred and twenty, there shall be to the credit of the firemen's pension fund on September first, property and funds of less than three hundred thousand dollars, then the legislative body of cities of the first class may levy and set apart for the year succeeding a tax of two cents on each one hundred dollars of value of the taxable property in said cities where said condition occurs for said year, as a fund for the purpose herein defined. And all moneys withheld from the officers, members or employees of the division of fire department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for or governing the division of fire department, shall be paid into such fund each month and credited upon the payroll of the division of fire department payable to said fund for that purpose; and all fines imposed by the board of public safety or by the department of public safety, as the case may be, upon officers, members or employees of the division of fire depart-

ment, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employee of the division of fire department (except when specially allowed by the board of public safety or by the department of public safety as the case may be, to be retained by such members) shall be paid into the treasury to the credit of the firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the firemen's pension fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and said trustee shall have power, and it shall be its duty, from time to time, to invest the same, in whole or in part as it shall deem advantageous for the objects of said fund, and said board is empowered to make all necessary contracts and to take all the necessary remedies in the premises.

§ 125. That section 2896a-18 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

Said board shall have exclusive control and management of said fund, and all moneys donated, paid or assessed for the relief of pensioning of disabled members of the division of fire department, their widows and dependent children under the age of fourteen years or dependent fathers and mothers, and may assess each member and substitute of the division of fire department not less than fifty cents nor more than one dollar per month while he is a member or substitute of the division of the fire department, to be deducted and withheld from the pay of each member or substitute so assessed, the same to be placed by the treasurer or director of finance, as the case may be, of said city to the credit of such fund, subject to the order of such board.

§ 126. That Section 2896a-20 of Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and

in lieu thereof that said section be re-enacted so as to read as follows:

The said board of trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the firemen's pension fund, in interest bearing bonds of the United States or the State of Kentucky or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the treasurer or director of finance as the case may be, of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

§ 127. That Section 2896a-26 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows.

The treasurer of the board of trustees shall be the custodian of said pension fund, and shall secure and safely keep the same subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller or comptroller and inspector, as the case may be, and may be sued on in the name of said city, for the use

of said board or in the name of said board, or any person or persons injured by a breach thereof.

§ 128. That Section 2896a-27 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

It shall be the duty of such officer or officers of the city, as are designated by the law, to draw warrants on the treasurer or director of finance, as the case may be, of said city, on request in writing by said board of trustees, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

§ 129. That section 2897 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

There shall be appointed by the mayor, with the approval of the Board of Aldermen, in the month of December succeeding his election, for four years, a comptroller, who shall exercise a general supervision over the fiscal affairs of the city, the collection and disbursement of all revenues and moneys of the city. He shall see that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal concerns of the city; that no liability is incurred or expenditure made from the treasury without due authority of law; and that appropriations are not overdrawn.

Provided, however, that from and after the election and qualification of the mayor and the appointment and qualification of the comptroller and inspector of cities of the first class, as hereinafter provided for, in the year 1929, the foregoing provisions shall cease to have effect and stand repealed, and thereafter the office of Comptroller of cities of the first class shall cease to exist. And provided further that:

(1) There is hereby created, effective from and after the election and qualification of a mayor in the year 1929, in cities

of the first class, the office of Comptroller and Inspector, and all the powers and obligations and duties of the office of Comptroller, abolished as herein provided, together with any right of action vested therein, shall, except as otherwise provided by law, be vested in the Comptroller and Inspector upon his appointment and qualification as provided herein. The Comptroller and Inspector shall be chosen in the manner hereinafter provided and shall receive such compensation as may be provided by ordinance.

(2) When the provisions of this section become effective the mayor of said city shall appoint a comptroller and inspector, who shall hold office until his successor is elected and qualified, as herein provided. At the November election one thousand nine hundred and thirty-one, and every four years thereafter, there shall be elected, for the term of four years, by the qualified voters of cities of the first class, a comptroller and inspector.

(3) The Comptroller and Inspector shall be charged with the duty of making inspection of the management, operating methods, efficiency, accounts and accounting methods, and the results of operations of all departments, divisions, boards, commissions and institutions of said cities, and shall make report of his inspections and recommendations for the betterment of the management of the affairs of the city. The said reports and recommendations shall be made to the mayor and the legislative body and shall be published. Each department of the city shall be so inspected at such times as the Comptroller and Inspector may elect but not less frequently than once in each fiscal year. He shall recommend rules and regulations in relation to all accounts, settlements and reports connected with the fiscal concern of the city. If he shall ascertain that any liability is incurred or expenditure made from the funds of the city without due authority of law, or that any appropriation is overdrawn, he shall report such fact to the director of finance and to the mayor. The Comptroller and Inspector shall have access to

the books and other records of any department, division, board, commission or institution of the city government whenever he so desires, and he shall see that the accounts of the city are kept in a plain, methodical manner. He shall give bond to the city in the sum of not less than twenty thousand dollars, approved by the mayor and legislative body. His bond shall be deposited with the mayor. The Comptroller and Inspector shall have a seat in the legislative body with the right to debate on any question, but shall have no vote. He shall perform any other duties that may be prescribed by law, and shall have power to appoint such clerks as may be allowed him by ordinance.

§ 130. That Section 2898 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The Comptroller shall make annual reports to the Mayor and General Council of the financial condition and requirements of the city, with careful statements and estimates of the receipts and expenditures. The records in his office shall show the financial operations, conditions, assets, and claims of the city, the expenditures authorized for public works, and all contracts, with the names of contractors, in which the city is interested and the bonded and other indebtedness of the city. He shall countersign all warrants drawn on the city treasury, and shall duly record the amount and nature of the same. He shall have access to the books and other records of any department of the city government whenever he so desires, and he shall see that the accounts of the city are kept in plain methodical manner. He shall give bond to the city in the sum of not less than twenty thousand ($20,000.00) dollars, approved by the Mayor and General Council. His bond shall be deposited with the Mayor. The Comptroller shall have a seat in each branch of the General Council, with the right to debate on any question pertaining to his depart-

ment, but shall have no vote. He shall perform any other duties that may be prescribed by law.

Provided, however, that when the office of comptroller of cities of the first class shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 131. That Section 2899 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

He shall have the custody of the city seal, the public records, the original rolls or ordinances of the General Council, all original contracts not herein required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity, or security bonds, and such other records, papers and documents of value as are not required to be deposited with any other officer, all of which shall be registered by numbers, dates, and contents. He shall attest and certify all copies of such original documents, records, and papers in his office as may be required by any officer or person, and charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who has a right to such copies.

Provided, however, that when the office of Comptroller of cities of the first class shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 132. That Section 2900 of the Kentucky Statutes, (Carroll's Edition, 1922) be and the same is hereby repealed and in lieu thereof, that said section be re-enacted so as to read as follows:

The Comptroller shall cause to be printed and filed and preserved in his office all ordinances passed by the General

Council. He shall have power to appoint such clerks as may be allowed him by ordinance.

Provided, however, that when the office of Comptroller of cities of the first class shall have ceased to exist, as provided herein, the foregoing provisions shall cease to have effect and stand repealed.

§ 133. That Section 2901 of the Kentucky Statutes (Carroll's Edition, 1922) be and the same is hereby amended, revised and re-enacted so that same, when amended, revised and re-enacted, will read as follows:

There shall be elected by the qualified voters of the city, at the time and place provided for the election of Mayor, an Auditor, who shall be the general accountant of the city, and as such it shall be his duty to receive and preserve in his office all accounts, vouchers, documents, and papers relating to the accounts or contracts of the city, its debts, revenues and other fiscal affairs, and to adopt a proper mode and manner of bookkeeping. He shall state and render all accounts filed or kept in his office between the city and any other person or body corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for the payment of which any money may be drawn from the city treasury; and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand, and draw his warrant on the treasury in payment thereof. But no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or ordinance, and is in proper and fully itemized from, and unless the amount required for payment of the same shall have been appropriated for that purpose by the General Council. He shall have power to administer oaths, and may require a settlement of accounts, to be verified by affidavit, and shall keep the accounts of the city, general and special, in a systematic, orderly manner. He shall give bond to the city in the sum of twenty thousand dollars, to be ap-

proved by the Mayor and General Council. His salary shall not be less than two thousand five hundred dollars per annum.

Provided, however, that when the term of office of the present auditor of cities of the first class shall have expired and terminated and upon the establishment of the Department of Public Finance and the appointment and qualification of the director of finance, as herein provided for, the foregoing provisions of this section shall cease to have effect and stand repealed, and the office of auditor of such cities shall cease to exist, and from and after the passage of this act, no auditor shall be elected, by the qualified voters, in cities of the first class. And provided further, that:

(1) There is hereby created, effective from and after the election and qualification of a mayor, in the year 1929, in cities of the first class, the office of accountant, and all the powers and obligations and duties now vested in the office of auditor and the incumbent thereof, together with any right of action, shall immediately be vested in the accountant for said cities who shall be appointed as provided herein.

(2) As soon as practicable after the provisions of this act became effective, there shall be appointed by the director of finance of cities of the first class, an accountant, who, subject to the supervision and control of the said director, shall be the general accountant of said city, and as such it shall be his duty to receive for the director or finance, and there shall be preserved in the office of said director, all accounts, vouchers, documents and papers relating to the accounts on contracts of the city, its debts, revenues and other fiscal affairs, and he shall, where it is not otherwise provided for, draw all warrants authorized by law or ordinance on the city treasury and shall discharge such other duties as may be delegated to and required of him by the director of finance. He shall give bond to the city in the sum of five thousand dollars, to be approved by the mayor and legislative body. His salary shall be fixed by ordinance.

§ 134. That section 2902 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

There shall be elected by the qualified voters of the city, at the time and place provided for the election of the Mayor, a Treasurer, whose duty it shall be to receive and keep all money of the city, and pay out the same on warrants drawn by the Auditor and countersigned by the Comptroller, except as herein provided. All moneys belonging to the city received by an officer or agent thereof, either from collections, loans, sale or bonds, fees, fines and penalties or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with it shall be the Treasurer's duty to report any delinquencies to the Mayor. He shall give triplicate receipts in all cases—one for the party paying, one for the Auditor, and one for the Comptroller—which shall set out the amount paid, from what it proceeds, and to what account credited. His books shall at all times be open to the inspection of the Mayor, the Comptroller, or any member of the General Council, and he shall report the balance in the treasury each day to the Comptroller. He shall give bond for the faithful performance of his duties, to be approved by the Mayor and General Council.

Provided, however, that when the term of office of the present treasurer of cities of the first class shall have expired and terminated, and upon the establishment of the department of public finance and appointment and qualification of the director of finance of said cities, as herein provided, the foregoing provisions of this section shall cease to have effect and stand repealed; and, provided further, that from and after the passage of this act no treasurer shall be elected by the qualified voters in said cities; and, provided further, that when the director of finance of said cities has been appointed and qualifies, as provided herein:

(1) All powers, obligations, and duties of the treasurer and the office of treasurer of cities of the first class, together with any right of action, shall immediately vest in the department of public finance and the director of finance, of said cities, as created by this act.

(2) The department of public finance of cities of the first class shall be under the supervision and direction of a director to be designated director of finance, and shall have control, under the acts of the General Assembly and the ordinances of the legislative body of said cities of all matters relating to the financial affairs of said cities, except those of the board of sinking fund commissioners, and of buying supplies, for the city, and such other matters as may by ordinance be placed under the control of said department and not in conflict with any act of the General Assembly. The director of finance shall have the power to organize said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions who, under the supervision and control of said director, shall have the direction of such divisions.

(3) It shall be the duty of the director of finance to receive and keep all moneys of the city, and pay out the same on warrants drawn by the accountant and countersigned by the director of finance, or, in his absence, by the mayor. All money belonging to the city, received by an officer or agent thereof, either from collections, loans, sale of bonds, fees, fines and penalties, or otherwise, shall be deposited in the city treasury regularly once a day, unless otherwise provided by law or ordinance; and in case the provisions of this section are not fully complied with, it shall be the duty of the comptroller and inspector to report any delinquencies to the mayor. The director of finance shall give duplicate receipts in all cases—one for the party paying and one for the comptroller and inspector—which shall set out the amount paid, from what it proceeds, and to what accounts credited. His

books shall at all times be open to the inspection of the mayor, the comptroller and inspector, or any member of the legislative body, and he shall report the balance in the treasury each day to the comptroller and inspector. He shall give bond, in the sum of twenty-five thousand dollars for the faithful performance of his duties, to be approved by the mayor and legislative body.

(4) The director of finance shall make reports to the mayor and to the legislative body of the financial condition and requirements of the city, and careful statements and estimates of receipts and expenditures. The records of his office shall show the financial operations, condition, assets and claims of the city, the expenditures authorized for public works, and all contracts, with the names of the contractors, in which the city is interested, and the bonded and other indebtedness of the city. He shall countersign all warrants on the city treasury, and shall duly record the amount and nature thereof.

(5) The director of finance shall have the custody of the city seal, the public records, and original rolls of ordinances of the legislative body, all original contracts not required to be filed elsewhere, and such deeds and certificates as relate to the title of any property of the city; all official, penal, indemnity or security bonds and such other records, papers and documents of value as are not required to be deposited with any other officer; all of which shall be registered by numbers, dates and contents. He shall attest and certify all copies of such original documents, records and papers in his office as may be required by any officer or person, and may charge therefor to individuals, for the benefit of the city, such fees as may be provided by ordinance. He shall provide copies of all contracts in his office for any public officer who may be entitled to such copies.

He shall cause to be printed and filed and preserved in his office all ordinances passed by the legislative body. He shall

have power to appoint such clerks as may be allowed him by ordinances.

(6) The director of finance shall adopt a proper mode and manner of bookkeeping. He shall state and render all accounts between the city and any other person or body corporate, except when otherwise provided by law. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for the payment of which any money be drawn from the city treasury; and after having examined the same, with all accompanying vouchers and documents, shall certify thereon the balance or true state of such claim or demand and countersign warrants on the treasury in payment thereof, but no such claim or demand, or any part thereof, shall be audited against the city unless it is authorized by law or by ordinance, and is in proper and fully itemized form, and unless the amount required for the payment thereof shall have been appropriated for that purpose by the legislative body. He may require a statement of accounts to be verified by affidavit. The accounts of the city, general and special, shall be kept in his office in a systematic, orderly manner.

(7) Unless otherwise provided by law, the director of finance shall have general supervision of the city assessor and the receiver of city taxes and the administration of their respective offices; and the powers and duties in respect to the office of receiver of city taxes, heretofore vested in the comptroller of said cities, shall be vested in, and imposed upon, the said director.

§ 135. That section 2903 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and, in lieu thereof, the said section be re-enacted so as to read as follows:

The Mayor, Comptroller and Treasurer, and when the offices of Comptroller and Treasurer shall have ceased to exist, as provided by this act, the Mayor and director of finance shall annually select a bank or banks, or banking insti-

tutions, which will give the highest rate of interest for the current deposit of the city's funds, and which shall give and maintain a bond, to be approved by said city officials, said bond to be conditioned for the safekeeping and prompt payment of said funds, or any part thereof, when demanded by the treasurer or director of finance, as the case may be.

§ 136. That section 2904 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

There shall be elected by the qualified voters of the city, at the time and places provided for the election of mayor, a tax receiver, who shall collect all city taxes except such as are to be collected by the sinking fund, and he shall pay the same over to the treasurer, or director of finance, as the case may be, once each day.

He shall, each day, deliver to the assessor and the comptroller, and when the office of comptroller ceases to exist as herein provided, to the director of finance, a statement showing what persons have the previous day paid their taxes, what amounts have been paid, and the number of the tax bills. He shall give bond for the faithful performance of his duties, to be approved by the mayor and the legislative body. He shall keep the books and accounts of his office in such manner as may be prescribed by ordinance, or in the absence of any such requirements, the comptroller, or director of finance, as the case may be shall prescribe the manner of keeping such books and accounts, and said tax receiver shall perform any other duties required by law. He shall have the power to appoint, with the approval of the board of aldermen, such deputies as may be allowed him by ordinance. The tax receiver and his deputies shall be paid by an annual salary, to be fixed by the legislative body. For the acts of his deputies he and his sureties shall be responsible on his official bond. No tax receiver shall be eligible to any office unless he has accounted with the city for all collections and obtained a

quietus. He shall settle his accounts with the mayor, comptroller, auditor, and treasurer, and when the office of comptroller, auditor and treasurer of said cities shall have ceased to exist, as provided by this act, with the mayor and the director of finance, on or before the last day of October in each year for the taxes for which bills have been placed in his hands for collection for the year; and if through his fault, a quietus therefor is not held by said receiver on said day the legislative body shall, by resolution, declare vacant the office of such receiver, and the vacancy shall be filled by the legislative body, by viva voce vote, for the unexpired term. In his settlements he shall be charged with such uncollected bills as he could have collected by the distraint of the goods or garnishment of the rents of the delinquents; and he shall be subrogated to the rights of the city on such uncollected bills.

§ 137. That section 2909 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted, will read as follows:

There shall be appointed by the mayor immediately after the expiration of the term of office of the present city attorney in cities of the first class, a city attorney whose duty it shall be to give legal advice to the mayor, members of the general council, and all other officers and boards of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for, and defend all suits against the city, and to attend to such other legal business as may be prescribed by the general council. He shall be a licensed practicing attorney at law of egiht years' practice and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments. He shall be appointed by the mayor for a term of one year and immediately after the expiration of his term of office an appointment of a city attorney shall be made by the mayor for a term of four years; and an appointment of a city attorney

shall be made by the mayor for a like term every four years after said first appointment of a city attorney for a term of four years. (Section as amended by act of 1912.)

Provided, however, that upon the establishment of the department of law of said cities and appointment and qualification of the director of said department, as provided herein, the present offices of city attorney and assistants to the city attorney and the terms of office of the incumbents thereof shall cease and determine, and, the foregoing provisions shall cease to have effect and stand repealed; and, provided further, that:

(1) When the department of law of cities of the first class has been established and the director thereof has been appointed and qualified, as provided herein, all the powers, obligations and duties vested in the present office of city attorney and the incumbent thereof and his assistants, of said cities, together with any rights of action, shall immediately vest in the department of law and the city attorney and his assistants appointed pursuant to the provisions of this act.

(2) The department of law of cities of the first class, when established as provided herein, shall be under the supervision and direction of a director to be designated the city attorney. It shall be the duty of the city attorney to give legal advice to the mayor, members of the legislative body and all other departments, commissions, boards and officers of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing and they shall be preserved for reference. It shall be his duty to prosecute all suits for and defend all suits against the city and to attend to such other legal business as may be prescribed by the legislative body. He shall be a licensed practicing attorney at law of eight years' practice and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments. The city attorney shall have the power to organize said department for administrative purposes into such divisions as may be necessary for the proper conduct of the busi-

ness of the said department and to appoint heads or chiefs of such divisions who, under the supervision and control of the city attorney, shall have the direction of such divisions.

§ 138. That section 2910 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

At the time at which a city attorney is appointed in accordance with the preceding section, there shall be appointed by the mayor for a term of one year, a first assistant city attorney and a second assistant city attorney, who shall be licensed practicing attorneys at law of five years' practice, and shall discharge such duties as may be required of them by the city attorney, or prescribed by the general council and mayor in the preparation, prosecution and defense of all legal business of the city. Immediately after the expiration of their term of office there shall be appointed by the mayor a first assistant city attorney and a second assistant city attorney for a term of four years; and an appointment of a first assistant city attorney and a second assistant city attorney shall be made by the mayor for a like term every four year after said first appointment of said first assistant city attorney and said second assistant city attorney for a term of four years. The first assistant city attorney may receive a salary not to exceed three thousand dollars per annum, and the second assistant city attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments. (Amendment of March 18, 1912.)

Provided, however, that when the terms of office of the present city attorney and his assistant shall have expired and terminated, and upon the establishment of the department of law in cities of the first class and the appointment and qualification of the director of said department, as provided herein, the foregoing provisions shall cease to have effect and stand repealed; and, provided further, that:

(1) When the provisions of this act establishing a law department of cities of the first class shall become effective and upon the appointment and qualification of the director thereof, designated city attorney, as herein provided, the said city attorney shall appoint such assistant city attorneys as may be necessary for the proper conduct of the business of said department, who shall be licensed practicing attorneys at law of not less than three years' practice and shall discharge such duties as may be required of them by the city attorney or prescribed by acts of the General Assembly or by the legislative body or the mayor in the preparation, prosecution and defense of all legal business of the city; and in addition to such assistants the said city attorney shall have the power to appoint and employ such clerks, agents and employes as may be necessary for the proper conduct of the business of the said department whose duties shall be such as may be prescribed by said city attorney, and as may be provided for by ordinance.

The salaries of said city attorney, assistant city attorneys, clerks, agents and employes of said department shall be fixed by ordinance, and shall be payable in monthly installments.

§ 139. That section 2911 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

The judicial power of the city shall be vested in a police court which shall be a court of record, and the officers thereof shall be a judge, a clerk, a prosecuting attorney and a bailiff, all of whom shall be elected by the qualified voters of the city at the same times and places at which the mayor is elected, and shall hold their offices for a term of four years.

Provided, however, that from and after the passage of this act and the expiration of the terms of office of the present incumbents of the offices of prosecuting attorney, bailiff and clerk of said court, in said cities, the foregoing provisions of

this section shall cease to have effect and stand repealed, and provided further that from and after that time the said section shall read as follows:

(1) The judicial power of cities of the first class shall be vested in a police court, which shall be a court of record, and the officers thereof shall be a judge, a prosecuting attorney, a bailiff and a clerk. The judge of the police court shall be elected by the qualified voters of the city at the same time and place at the regular November election in the year 1929, and every four years thereafter, at which the Mayor is elected and shall hold his office for a term of four years.

(2) From and after the expiration of the term of officers of the present prosecuting attorney of the police court of said cities and upon the establishment of the department of law in said cities and the appointment of the city attorney and assistant city attorneys, as provided herein, the present office of prosecuting attorney of the police court of said cities shall cease to exist, and all the powers, obligations and the duties now vested in the said office of prosecuting attorney shall thereupon immediately devolve and be imposed upon the department of law and the city attorney and members of said department, and a member of said department shall be appointed and designated by the City Attorney as provided herein, to act as prosecuting attorney of the police court in said cities. No prosecuting attorney of the police court of said cities shall be elected by the qualified voters of said cities from and after the passage of this act. Provided, however, that should a vacancy occur in said office during the term of office of the present incumbent such vacancy shall be filled, for the unexpired portion of said term, as now provided by law.

(3) From and after the expiration of term of office of the present bailiff of the police court of said cities the present office of bailiff of said court shall cease to exist, and all the powers, obligations and duties now vested in said office shall thereupon immediately devolve upon and be performed by the division of the police department of said cities and offices

and members thereof, and a member of said department shall be detailed by the chief of the division of the police department as provided herein, to act as bailiff of the police court of said cities. No bailiff of said court shall be elected by the qualified voters of said cities from and after the passage of this act; provided, however, that should a vacancy occur in said office during the term of office of the present incumbent of said office, such vacancy shall be filled for the unexpired portoin of said term as now provided by law.

(4) From and after the expiration of the term of office of the present clerk of the police court of said cities, the office of the clerk of said court shall cease to be elective and shall become and be an appointive office.

No clerk of said court shall be elected by the qualified voters of said cities from and after the passage of this act; provided, however, that should a vacancy occur in said office, during the term of office of the present incumbent of said office, such vacancy shall be filled, for the unexpired portion of said term, as now provided by law. From and after the expiration of the term of office of the present clerk of said court, the judge of said court is hereby empowered to appoint the clerk of said court for a term of four years and to fill any vacancy in said offices that may occur.

§ 140. That section 2916 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

Unless discharged by authority of law, any person arrested under a capias pro fine for a violation of the ordinances of the city shall be committed to the workhouse, and shall be there detained, subject to deduction of time for good behavior, until the judgment against him or her is satisfied by the payment of the fine, or is satisfid by his or her earnings by compulsory work, in or out of said workhouse, on such wages as the legislative body may allow. In cases of violations of the statutes of the state, the prisoner may be confined in the

county jail, or in the city workhouse, as the judgment may prescribe.

§ 141. That Section 2917 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows:

All fines and recoveries realized in said court, whether the prosecution be in the name of the city or the Commonwealth, shall be paid to the City Treasurer or to the Director of Finance as the case may be as a contribution toward the expense of said court.

§ 142. That Section 2921 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

No fees, except fees for recording bonds as hereinafter provided, shall be received by any of the officers of this court, and no costs shall be taxed against any person tried by said court.

§ 143. That Section 2926 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed and, in lieu thereof, that said section be re-enacted so as to read as follows :

The judge of the court shall annually have a vacation of two months, and during said vacation a compensation of the judge pro tem shall not be deductd from the salary of the regular judge. The clerk of the court shall certify to the auditor or accountant of the city as the case may be, the name of the judge pro tem and the term of his service, and the city auditor or accountant as the case may be shall thereupon draw a warrant upon the city treasury for the amount of money due the judge pro tem, for the time he served on the bench and the treasurer or the director of finances as the case may be shall pay the warrant.

§ 144. That Section 2930 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended,

revised and re-enacted so that same when so amended, revised and re-enacted, will read as follows:

The clerk of the court may administer oaths as clerk of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect and violation of his duty he may be prosecuted, punished, or removed in the same manner in which they may be prosecuted, punished or removed.

Provided, however, that from and after the expiration of the term of office of the present clerk of said court the foregoing provisions of this section shall cease to have effect and stand repealed; and, provided further, that from and after that date the power and duties of said clerks and the penalties for violation of his duties shall be as follows:

The clerk of the police court may administer oaths as clerks of county courts may, and he shall be subject to the same fines and penalties to which they are subject, and for neglect or violation of his duties he may be removed by the judge of the police court and may be prosecuted or punished in the manner in which clerks of county courts are prosecuted or punished for neglect or violation of their duties. In addition to his other duties as clerk of the police court, said clerk shall take all bonds required by law to be taken or given by persons arrested in the city in which he is appointed, for their appearance before the proper tribunal; also all bonds or recognizances required by law to be taken or given by or in the police court of said cities; and no person in custody shall be released therefrom before trial, unless bond be first given as herein required. The clerk of said court shall charge for his services in taking, receiving and recording said bonds the same fees as now allowed by law to clerks of the circuit courts for similar services rendered by them. Said fees shall be paid by the party for whom the services are rendered.

The judge of the police court may appoint such deputies of the clerk of the police court as may be needed and provided for by ordinance. Said deputy or deputies shall give

bond the same as the clerk of the police court and are hereby given the same powers and duties as those given and imposed upon the said clerk. Said clerks shall keep a record of all bonds taken by them, showing the date, amount of bail, name of defendant and the charge under which the arrest was made; and all money received by said clerk and his deputies, shall be paid into the Treasury of said city. Said clerk or one of his deputies shall be in his office at all hours, day and night, for the purposes of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal.

§ 145. That Section 2931 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended and revised and re-enacted, so that the same, when so revised, amended and re-enacted, will read as follows:

He shall receive no fees whatever, but he shall be paid a salary of thirty-five hundred dollars per annum, and may appoint two deputies, who shall be paid a salary of twelve hundred dollars per annum for each deputy. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid. (Section as amended by Act of March 18, 1902.)

Provided, however, that from and after the expiration of the terms of office of the present clerk and deputy clerks of said court, the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that date:

The clerk of the police court and his deputies, appointed as herein provided, shall receive no fees except as provided in Section 2930 of the Kentucky Statutes as amended by this act. The said clerk shall be paid a salary of thirty-five hundred dollars per annum. The deputy clerks of the police court shall be paid such salaries as may be provided for by ordinance. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid.

§ 146. That Section 2932 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended revised and re-enacted so that same when so amended, revised and re-enacted, will read as follows:

In case of a vacancy in said clerk's office the judge of the said court shall fill such vacancy, subject to the provisions of Section 152 of the Constitution of Kentucky.

Provided, however, that from and after the expiration of the terms of office of the present clerk and deputy clerks of said office foregoing provisions shall cease to have effect and stand repealed; and, provided further, that from and after that date any vacancies in the office of the clerk or any deputy clerk of the police court shall be filled by appointment by the judge of the police court.

§ 147. That Section 2935 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted, so that same when so revised, amended and re-enacted will read as follows:

The prosecuting attorney of the police court shall have the qualifications, and take the oath, and come under the obligations prescribed for commonwealth's attorneys, and his duties to the city and said court shall be similar to those of the commonwealth's attorney in his circuit.

Provided, however, that from and after the expiration of the term of office of the present prosecuting attorney of said court the foregoing provision shall cease to have effect and stand repealed; and provided further that from and after that date the city attorney, in any city of the first class, shall designate and appoint one of the assistant city attorneys of the department of law of said city as prosecuting attorney of the police court of said city, who, in addition to his duties as prosecuting attorney of said court, shall discharge such duties as may be imposed upon him by the city attorney. He shall have the qualifications, and take the oath, and come under the obligations prescribed for commonwealth's attorneys, and his

duties to the city and said court shall be similar to those of the commonwealth's attorney in his circuit.

§ 148. That Section 2937 of the Kentucky Statutes, (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that the same, when so amended, revised and re-enacted will read as follows:

He shall receive a salary of thirty-five hundred dollars ($3,500.00) per annum, and the salary of the prosecuting attorney shall be paid at the same time and in the same manner as the salaries of other city officers are paid.

Provided, however, that from and after the expiration of the term of office of the present prosecuting attorney of said court, the foregoing provisions shall cease to have effect and stand repealed.

§ 149. That Section 2938 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that the same when so amended, revised and re-enacted, will read as follows:

When said attorney fails to attend or to prosecute the parties brought before him, the judge shall, from the members of the bar, appoint one to serve as prosecuting attorney pro tem, and the person so appointed shall take the oath of office prescribed for the regular prosecuting attorney, and for his services the prosecuting attorney pro tem. shall receive such part of the salary of the regular prosecuting attorney as the judge, on motion, after due notice to the prosecuting attorney, may summarily decide to be fair and reasonable; but the compensation allowed the prosecuting attorney pro tem. shall not be estimated at a greater rate than that allowed regular prosecuting attorney. The amount so paid the prosecuing attorney pro tem. shall be deducted from the salary of the regular prosecuting attorney, provided, that when such prosecuting attorney shall be prevented by sickness from discharging the duties of his office, the compensation of the prosecuting attorney pro tem. shall not be deducted from the salary of the regular prosecuting attorney, and provided,

further, that such prosecuting attorney shall be allowed sixty days' vacation in each year, and during such vacation the compensation of the prosecuting attorney pro tem. shall not be deducted from the salary of the regular prosecuting attorney. Provided, however, that from and after the expriation of the term of office of the present prosecuting attorney of the police court of said cities the foregoing provisions shall cease to have effect and stand repealed; and provided further, that from and after that date:

When said attorney fails to attend the sessions of the police court or to prosecute the parties brought before him, the judge of the police court shall report such failure to the mayor and to the city attorney; and thereupon it shall be the duty of the city attorney to appoint another member of the department of law of said city to serve as prosecuting attorney protem. and the person so appointed shall take the oath of office prescribed for and perform all the duties of the regular prosecuting attorney.

§ 150. That Section 2940 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The bailiff of the police court shall have the power of a constable and policeman.

Provided, however, that from and after the expiration of the term of office of the present bailiff of said court, the foregoing provisions shall cease to have effect and stand repealed; and provided further that from and after that date:

It shall be the duty of the chief of the division of police department of cities of the first class to place on duty in the police court of said city a policeman or policemen, whose duty it shall to be present at the sessions of said court to maintain order therein and perform such other duties as the court may direct. Such police, in addition to their powers and duties as members of the division of police department of said cities shall have all of the powers, obligations and duties

formerly vested in the bailiff of the police court, including the power of a constable.

§ 151. That Section 2941 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The bailiff of the police court, in cities of the first class shall give bond, payable to such city, in the penal sum of one thousand dollars ($1,000.00) with good security to be approved by the mayor, conditioned for the faithful and honest discharge of his duties, and said bond shall be filed with the other official bonds of the city.

Provided, however, that from and after the expiration of the term of office of the present bailiff of the police court in said cities, the foregoing provisions shall cease to have effect and stand repealed.

§ 152. That Section 2942 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

It shall be the duty of the bailiff to be present at the sessions of the court, to maintain order therein, and to perform all other court duties, subject to the directions of the court.

Provided, however, that from and after the expiration of the term of office of the present bailiff of the police court in said cities, the foregoing provisions shall cease to have effect and stand repealed.

§ 153. That Section 2943 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same when so amended, revised and re-enacted, will read as follows:

The mesne and final process of said court shall be addressed to the bailiff, or to any sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the bailiff may execute it anywhere in

the state, or may appoint by indorsement on the process, a special bailiff to execute it, and said special bailiff's rights and powers shall be the same as those of the baliff. Policemen may execute any process delivered to them by the bailiff; and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

Provided, however, that from and after the expiration of the term of office of the present bailiff of the police court in said cities, the foregoing provisions shall cease to have effect and stand repealed; and provided further that from and after that date:

The mesne and final process of said court shall be addressed to the policeman on duty in said court or to any sheriff, constable or policeman. In all cases the process shall run in the name of the Commonwealth of Kentucky, and may go to any county in the Commonwealth, and the policeman on duty in said court may execute it anywhere in the state, or may, subject to the approval of the chief of the division of the police department, appoint by indorsement on the process, a special policeman to execute it, and said special policeman's rights and powers shall be the same as those of the policeman on duty in said court appointing him. Policemen may execute any process delivered to them by any policeman on duty in said court, and they shall have power to execute warrants of arrest, subpoenas, attachments and other process, whether the same be directed to them or not.

§ 154. That Section 2944 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted, will read as follows:

The bailiff shall be assisted in the performance of his duties by two deputies, who are to be appointed by him. The bailiff and his deputies shall receive no fees, but the bailiff shall receive a salary of thirty-five hundred dollars ($3,500-.00) per annum and each of his deputies shall receive a salary

of twelve hundred dollars ($1,200.00) per annum. The salaries of the bailiff and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid.

Provided, however, that from and after the expiration of the term of office of the present bailiff of the police court in said cities, the foregoing provisions shall cease to have effect and stand repealed; and provided further that from and after that date:

1. Upon request of the judge of the police court of cities of the first class, the chief of the division of the police department of said cities shall detail such members of said division as may be needed to assist the policeman on duty in the police court in the performance of his duties in said court.

2. No policeman on duty in the police court shall receive any fees or extra compensation for the performance of his duties in said court in addition to or in excess of his regular salary as a member of the division of the department of police.

§ 155. That Section 2947 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby amended, revised, and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

There shall be appointed by a majority of the judges of the circuit court having jurisdiction in said cities, a bond recorder for said cities. He shall be appointed for the term of four years, and shall have the qualifications, take the oath, and give the bond required of county clerks, and he shall be subject to the same fines and penalties to which they are subject; and for neglect and violation of his duty he may be prosecuted, punished or removed in the same manner in which said clerks may be prosecuted, punished or removed. The bond furnished by said recorders, and the requisite surety thereon, must be approved by said judges. Said bond recorder shall have exclusive right to take all bonds required by law to be taken or given by persons arrested in the city in and for which

he is appointed, for their appearance before the proper tribunal; also all bonds or recognizances required by law to be taken or given by or in the police court of said city; and no person in custody shall be released therefrom, before trial, unless bond be first given as herein required.

Said bond recorder shall be allowed for his services the same compensation as now allowed by law to justices of the peace in trials for breach of the peace, to be paid by the party for whom the services are rendered. He may appoint two deputies, and the salary of each of said deputies shall be one thousand dollars ($1,000.00) per annum, and shall be paid from the fees collected by the said bond recorder. Said deputies shall give bond the same as recorder, and he is hereby given power to administer oaths to parties offering as sureties on bonds, and for all purposes necessary for the proper conduct of his office, to carry into effect the provisions of this act, and enable him to properly execute his duty. And no officer or other person shall have power to take any bond or administer any oath herein mentioned, except said recorder. Said bond recorder shall keep a record of all bonds taken by himself or deputy, showing the date, amount of bail, the name of defendant, and the charge under whch arrest was made; and all money received by said bond recorder, over and above the amount of four thousand dollars ($4,000.00), exclusive of the deputy's salary, shall be paid into the treasury of the city for which the recorder is appointed. Said recorder, or one of his deputies, shall be in his office at all hours, for the purpose of taking bonds. All bonds and affidavits shall be returned within twenty-four hours to the proper tribunal. In continued cases, the bond recorder may require a memorandum from the clerk of the court, showing the charge, amount of bail, and date of continuance.

Provided, however, that from and after the expiration of the term of office of the present bond recorder for said cities, the foregoing provisions of this section shall cease to have

effect and stand repealed and the said office shall cease to exist.

§ 156. That Section 2948 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby amended, revised and re-enacted so that same, when so amended, revised and re-enacted will read as follows:

There shall be elected by the general council, on the first Tuesday in December, eighteen hundred and ninety-four, and every two years thereafter, one live stock inspector, whose salary and duties shall be determined by ordinance of the general council. He shall have power to appoint, with the approval of the board of aldermen, such deputies and assistants, with such salaries as may be allowed them by ordinance. He shall give a bond, with sureties, to be approved by the general council.

Provided, however, that from and after the election and qualification of the legislative body of cities of the first class to be elected at the regular November election in the year 1929 and the appointment of a meat inspector as herein provided, the foregoing provisions shall cease to have effect and stand repealed, and the offices of live stock inspector and deputy live stock inspectors shall cease to exist; and provided further that:

1. Immediately upon the appointment and qualification, as provided by law, of the director of health in said cities of the first class, the said director of health shall appoint a meat inspector for such city, whose salary and duties shall be prescribed by ordinance of the legislative body. The said meat inspector shall have power to appoint, with the approval of the director of health, such deputies and assistants as may be necessary to properly conduct the business of his office. The salary of such deputies and assistants shall be prescribed by ordinance. The said meat inspector shall give a bond, with sureties, to be approved by the director of health.

2. From and after the appointment of said meat inspector all the powers, obligations and duties now vested in

the office of live stock inspector of said cities, and the incumbent thereof, either by act of the General Assembly or by ordinance, together with any right of action, shall immediately vest in the meat inspector of said city, appointed under and by virtue of this act.

§ 157. That Section 2948a-3 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

Such levy shall be made by the legislative body at the same time and in like manner as other levies for municipal purposes, and the amount levied shall be placed to the credit of the university fund upon the completion of the assessment of property for taxation, and paid as collected, subject to such discount as is allowed on other city taxes, in regular weekly installments, by the treasurer or director of finance, as the case may be, of said city to the treasurer of the university.

§ 158. That Section 2978a-25 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

To raise money for the maintenance of the schools the legislative body shall annually cause to be levied a tax of not less than thirty-six cents (.36) on each one hundred ($100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied, as above, shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the board by the treasurer or director of finance, as the case may be, of the city in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer or director of finance as collected.

§ 159. That Section 2980 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby amended, revised, and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

Each city shall raise a revenue from ad valorem taxes, and from a tax based on income, licenses and franchises, and to that end the legislative body of each city is hereby authorized and empowered to provide each year by ordinance, for the assessment of all real and personal estate within the corporate limits thereof, subject to taxation for city purposes, and may levy an ad valorem tax on the same not exceeding the rate and limits prescribed in the constitution; and for school purposes not less than thirty-six cents (.36) nor more than one dollar ($1.00) on each one hundred dollars for city purposes; and may impose license fees on stock used for breeding purposes, and on franchises, trades, occupations and professions; and may provide for taxation, for municipal purposes, on personal property, tangible and intangible, based on income, licenses, or franchises in lieu of an ad valorem tax thereon. Provided, such legislative body shall not be authorized to omit the imposition of any ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

Said legislative body shall provide for the collection of all taxes imposed hereunder.

All taxes and license fees shall be levied or imposed by ordinance and the purpose or purposes for which the same are levied or imposed shall be specified therein, and the revenue therefrom shall be expended for no other purposes than that for which it was collected.

All ad valorem taxes shall be collected by the tax receiver, and all license taxes, including all taxes on personal property, tangible and intangible, based on income, licenses and fanchises, in lieu of an ad valorem tax thereon, shall be collected by the secretary and treasurer of commissioners of

the sinking fund; Provided, that all taxes so collected by said treasurer and secretary in lieu of ad valorem taxes on personality shall be paid by him monthly to the city treasurer, or to the director of finance, as the case may be, who shall receipt to him therefor, and the said secretary and treasurer shall furnish monthly to the city comptroller and when that office ceases to exist as provided herein, to the director of finance, a statement showing what persons, firms or corporations have during the previous month, paid such taxes, the amount paid by each, and the total amount paid by him to the city treasurer, or the said director of finance.

The legislative body shall have the power to levy ad valorem taxes on the property and franchises of railroads, telegraph companies or corporations, pipe line companies or corporations, telephone companies or corporations, or other companies or corporations as assessed and apportioned by the state tax commission; Provided that no company, corporation or individual firm or association which pays an ad valorem tax and franchise tax shall be required to pay a license tax.

§ 160. That Section 2981 of the Kentucky Statutes (Carroll's Edition 1922), be and the same is hereby amended, revised and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

In the ordinance fixing for any years the tax rate the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for reconstruction of streets, a levy for street repairs, a levy for construction and repair of sewers, a levy for the house of reform, a levy for chairitable institutions, a levy for park, a levy for library purposes, a levy for general purposes, and a deficit tax. The general council shall cause the foregoing levies to be made for the purposes stated by an ordinance fixing the tax rate each year.

Provided, however, that from and after the election and qualification of the members of the legislative body herein provided for, to be elected at the regular November election in the year 1929, and the establishment of the executive departments herein provided for, the foregoing provisions of this section shall cease to be effective and from and after that time said section shall read as follows:

In an ordinance fixing for any year the tax rate the legislative body shall sub-divide its levy as follows: A levy for schools and the Univedsity of Louisville; a levy for the sinking fund; a levy for the department of public safety and the divisions thereunder, a levy for the department of public health and the divisions thereunder; a levy for the department of public welfare and the divisions thereunder; a levy for the department of law and the divisions thereunder; a levy for the department of public finance and the divisions thereunder; a levy for library purposes, and a levy for general purposes, and a deficit tax. The legislative body shall cause the foregoing levies to be made for the purposes stated by the ordinance fixing the tax rate each year.

§ 161. That Section 2982 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an act of the session of the General Assembly of 1922, in Chapter 68, being an act entitled "An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Section 197 of the act approved July 1, 1893, entitled 'An Act for the government of cities of the first class,' as amended by Section 2 of the act approved March 16, 1898, entitled 'An Act to amend an act entitled 'An Act for the government of cities of the first class,' approved July first, eighteen hundred and ninety-three'); and providing for the borrowing, by such cities, of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans," approved March 23, 1922, be and the same is hereby repealed, amended and re-enacted, so that same will read as follows:

In no fiscal year shall the legislative body appropriate or expend, or contract for the expenditure, of more than ninety-five per cent of the estimated revenue of the current year, unless more than that be actually collected; and if in any year less than ninety-five per cent of the estimated revenue shall be collected, any deficiency within ninety-five per cent may be provided for in the levy of the next year, and shall be called the "deficit tax." Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller, and when said office ceases to exist as provided herein by the department of finance, to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappppropriated balances of levies in any current fiscal year when collected shall be passed by the treasurer, or the department of finance, as the case may be, to the credit of the same funds for the succeeding year. Any city of the first class is hereby authorized and empowered to borrow, during the fiscal year, and within the limits of the levies and appropriations for such years as may be prescribed by law, such funds as may be needed or required for the operation and conduct of the business of the city, or any of its departments, in any such year, pending the full collection of the taxes and other revenues of the city for such year for such purposes, and such loans be repaid out of the funds derived from such uncollected taxes and revenues, after their collection, in the same manner as ordinary claims against the city and its departments are paid. The mayor of such city is hereby authorized and empowered to procure any such loan, or loans, whenever, in his judgment, same may be needed or required; and, to this end; he is also authorized and empowered to pledge, for the purpose of securing the same, so much as may be necessary, of the city's uncollected taxes and other revenues for such fiscal year; and his acts in the premises shall be, in all respects, fully binding upon the city, and upon the taxes and revenues thus pledged. All funds thus borrowed shall be held and applied exactly in the same manner as the funds of

the city, raised or derived through the collection of its taxes and revenues for such fiscal year, are required, by law, to be applied. Immediately upon procuring any such loan, the mayor shall report the fact, and the general features thereof, to the treasurer, or the department of finance, as the case may be, comptroller, or the comptroller and inspector, as the case may be, and the legislative body of such city.

Section 2. All acts, and parts of acts, inconsistent, or in conflict herewith, are hereby repealed.

§ 162. That section 3000 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The tax receiver shall, as early in the month of July as is practicable, make a list of all the tax bills remaining wholly or in part unpaid on the first of July. He shall at once file the list with the city comptroller or the director of finance, as the case may be. For reporting falsely he shall answer to the person aggrieved for all costs, penalties and damages caused thereby, but neither a false report nor a failure to report shall invalidate subsequent proceedings under this act.

§ 163. That section 3003 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed, and in lieu thereof that said section be re-enacted so as to read as follows:

The tax receiver shall within sixty days after the same are made, report the result of all tax sales to the comptroller, and when the office of comptroller ceases to exist, as provided herein, to the director of finance, giving the number and amount of the tax bill or bills for which the sale was had, the date of sale, the amount bid, and the name of the purchaser; and he shall keep such a record in his own office in an appropriate book, in which an alphabetical index shall be kept of the names of the delinquents whose properties have been sold, and said book shall contain a column or space opposite each record of sale, in which shall be entered a record of the re-

demption of the land or of its conveyance to the purchaser in case it be not redeemed.

Upon the purchase of any realty the tax receiver shall deliver to the purchaser, other than the city, upon payment of the price, a certificate in substantially the following form:

This is to certify that on this day ....., whose postoffice address is No. ..... street, city of ——— state of ....., purchased at a tax sale of the city of ....., the following described real estate in said city:

.....

.....

.....

.....

Said purchaser has paid therefor the sum of $....., which represents the tax, penalties, interest and costs, on the following tax bills to the date of sale:

Year	No. of Bill	Persons Assessed	Face of Bill
.....			
.....			

Witness my hand and seal this .....day of ....., 19.....

.....

Tax received of city of.....

The tax receiver shall keep a duplicate of such certificates and a record of all proceedings taken by him at such sales. Should any person bid at such sale the amount to be raised, and then fail to pay same, the tax receiver shall immediately resell said property. No levy or attempted levy upon personality shall be necessary to validate any sale of reality, whether such realty be sold for taxes on realty or on personalty, or both.

§ 164. That section 3004 of the Kentucky Statutes (Carroll's edition, 1922), be and the same is hereby repealed and in lieu thereof that said section be re-enacted so as to read as follows:

If the land be not redeemed within two years from the date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to state taxes. Thereupon the tax receiver then in office shall convey the property by deed to the purchaser who shall then be entitled to possession of the property, and have the right to recover same by suit or motion, as may be found most appropriate; Provided, that it shall be the duty of a purchaser other than the city, to pay all later tax bills owing to the city, with interest, as provided in section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the tax receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of the sale, and of all prior proceedings and title in the person to whom the deed has been executed.

The city comptroller, and when the office of comptroller ceases to exist as provided herein, the director of finance may advertise and sell at public auction any lands which were purchased by the city at tax sale and to which the city has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and manner of sale by ordinance of the legislative body. No real property thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city longer than five years after being vested with title, and unless the same is sold and conveyed by the city within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky.

§ 165. That Section 3010-3 of the Kentucky Statutes (Carroll's Edition, 1922) be repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The said commissioners, other than the mayor and president of the board of aldermen, shall be chosen for the term of three years and until their successors shall have qualified. The legislative body shall, in the month of October of each

year, elect a commissioner of the sinking fund to fill the place of the commissioner whose term of service expires that year. In the event the legislative body fails to elect in that month, the election shall be made by the commissioners themselves. If the person elected at any election by the legislative body shall fail to qualify within ten days after his election, he shall be regarded as declining to act, and the commissioners of the sinking fund shall elect a person to fill the said vacancy at a regular meeting of said board. Nothing in this act shall in any manner interfere with the term of office of any commissioner now elected by the legislative body.

§ 166. That Section 3010-4 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby repealed, and in lieu thereof, that said section be re-enacted so as to read as follows:

No one who is either a member of the legislative body, or an officer of said city, county or State, shall be eligible to said office of commissioner to be elected by the legislative body, and who does not possess the qualifications required for members of the legislative body in cities of the first class.

§ 167. That Section 3024 of the Kentucky Statutes, (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The commissioners of the sinking fund shall, at the end of each fiscal year, pay to the city treasurer or director of finance, as the case may be, any revenue remaining after paying the current expenses of such year, and the interest accruing in said year, and setting apart for the sinking fund a sum equal to five per cent of the principal of the bonded debt chargeable against the sinking fund.

§ 168. That the Act entitled "An Act to enable cities of the first class to construct additions and make more perfect their system for the disposition of sewerage, and to amend and re-enact Section 14 of an act entitled 'An Act to enable cities of the first class to construct an extension of their sys-

tems for the disposition of sewerage,' approved March 18, 1912,'' approved March 23, 1920, being Chapter 86 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year one thousand, nine hundred and twenty, be, and the same is hereby amended, revised and re-enacted, so that same, when so amended, revised and re-enacted will read as follows:

1. The mayor of any city of the first class may appoint four persons who, with the may a sa member ex-officio, shall constitute a sewerage commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city and be the owner in his own right of real estate. No officer or employee of the said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. If such work is not completed at the expiration of such term of office, the commission shall be continued by appointments made in the same manner as the original appointment. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Provided, however, that from and after the establishment of the department of public works and the appointment and qualification of the director thereof, as provided for herein, the mayor of said city shall cease to be a member ex-officio of said commission and thereafter the said director of works shall become and be a member ex-officio thereof; and provided further, that from and after that time and upon the expiration of the terms of office of the appointed members of said commission, then in office, the new members of said commission and their successors shall be appointed by director of finance, with the approval of the mayor, in the same manner

as above provided; and provided further that from and after the establishment of the department of public works, as provided herein, the said sewerage commission shall cooperate with said department of public works.

2. The persons appointed as members of said commission shall constitute a body corporate under the name of the Commissioners of Sewerage of such city, and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter same at pleasure. Said commission shall elect a chairman from the appointed members. It shall also elect, by a majority vote, a chief engineer, not a member of the commission, but such chief engineer shall be removable at the pleasure of a majority of the commission. It shall also, by a majority vote, elect a secretary and treasurer, not a member of the commission, who shall hold the combined office at the pleasure of a majority of the commission. The commission may appoint such clerks, agents or assistants as it may deem expedient and fix their compensation. The chief engineer shall give his entire attention to the affairs of the commission and shall receive as compensation a salary to be fixed by the commission, not exceeding five thousand dollars per annum. The appointed members of the commission shall each receive a salary, to be fixed by the legislative body not exceeding four thousand dollars per annum for the chairman, and two thousand dollars per annum for each of the others. The secretary and treasurer shall receive a salary, to be fixed by the commission, not exceeding thirty-five hundred dollars per annum.

3. It shall be the duty of the commission to make a study of the present and ultimate needs of the city, having in view the growth of the city and the extension of its boundaries, for both sanitary and storm water drainage. After a comprehensive study has been made, the commission shall determine what work should be done to improve the different districts of the city, and shall detail proposed construction of combined sewers, separate sewers and storm drains and improvement

of water courses. To aid in the study, the commission may employ such experts' advice and consulting engineers as it deems wise, and pay such reasonable compensation for their services and expenses as the commission may determine.

4. The chairman, chief engineer and secretary and treasurer of the commission shall each give bond, with approved surety, in such sum as may be fixed by the commission, which bond shall be payable to the commission and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands.

5. When the commission shall have determined the additions to the sewer system which it deems best fitted to meet the needs of the city and has outlined it in as much detail as is practicable, it shall report the same to the mayor, and when the department of public works is established, as provided herein, to the director of said department, with a description of the general plan and its probable cost. The mayor or the director of works shall lay this report before the legislative body and the plan recommended by the commission shall be adopted and carried out by the commission, unless the plan recommended by the commission shall, within thirty days after it has been received by the legislative body, be rejected and disapproved by two-thirds vote of all the members of said body. If the legislative body rejects the plan recommended by the commission, it shall return the plan recommended by the commission with its criticisms and suggestions. The commission shall thereupon make a further study and thoroughly examine the recommendations of said body and prepare an alternative plan in accordance with what on their further study appears in their judgment to be to the best interest of the city. The commission shall then present the alternative plan to the mayor and to the director of works, as above provided, to be submitted to the legislative body. At any time within thirty days after the submission of the alternative plan to the mayor, the legislative body may consider it, and if it shall

receive the two-thirds vote of all the members of said body, it shall be adopted, but if it fails to receive the necessary two-thirds vote within the said thirty days, then said commission with the approval of the mayor shall have the right to choose a system and carry it out. The legislative body shall have no power to vary any system proposed and presented by the commission, but must adopt one of those reported in its entirey.

6. Said commission shall have power and authority to carry out the purposes of this act, among which powers, shall be the following, that is to say: First, to make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual projection, construction and establishment of additions to and making more perfect the system of sewerage. Second, to construct and establish all such local, district, lateral, intercepting, out-fall or other sewers and all such conduits, drains and pumping or other plants, and all such buildings, structures, work, apparatus or agencies, and to lay all such mains and pipes within the said city or in the county in which said city is located, as it may deem expedient for carrying said system of sewerage projected and adopted into full effect. Third, to incorporate with said sewerage extension or otherwise utilized for the purpose of this act, so far as it may deem expedient, any or all public sewers, or drains, including storm water sewers, drains and water courses and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to enlarge, extend or improve, and to condemn, close up, abolish or destroy in its discertion, any or all such existing public sewers, drains or water courses, or to alter their functions or to increase their burdens as it may think best. Fourth, besides the chief engineer, the commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employees and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties de-

volved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employees such indemnity bonds for the proper performance of their respective duties as it may deem proper. Fifth, to establish and enforce such reasonable rules and regulations for its own govenment and for the supervision, protection, management and conduct of its work as it may deem expedient. Sixth, to make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act. Seventh, to purchase, hire or otherwise obtain the use of all such machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes; provided, that this enumeration of special powers in the subdivision of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the commission.

7. Said commission may acquire by gift, purchase or lease, or by condemnation, any land or property situated wholly or partly within the city or within the county in which such city is located or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, establishing, maintaining and operating such sewerage system. The method of condemnation of property shall be the same as that providing for the condemnation for appropriate municipal purposes by cities of the first class.

8. All individuals or corporations having buildings, structures, works, conduits, mains, pipes, tracks, or other physical obstructions in, over or upon the public streets, lanes, alleys, or highways, which shall interfere with or impede the progress of said sewerage system when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as fully to meet the exigencies occasioning such action, and the

legislative body shall have full power, by ordinance, to prescribe the penalty for such failure.

9. All work done or supplies or materials purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder. All bids or parts of bids, for any such work or supplies, may be rejected by said commission. The commission may, however, with the consent of four of the members, itself do any part or parts of its work under such conditions as it may prescribe by day labor when the chief engineer, in writing, shall recommend the course.

10. And when any portion of said sewerage system shall be complete and ready for active operation, the commission shall restore the street, alley or other public ways through which said completed work extends, to its original condition as near as practicable and may then notify the board of public works, and when said board shall have ceased to exist, as provided herein, may then notify the department of public works and turn over said completed portion to such board or department, as the case may be, and the same shall thereafter be under the exclusive control of said board or department.

11. In order to provide money for the projection, construction and establishment of said sewerage system, the legislative body may adopt an ordinance submitting to the voters of the city, at any regular election held in such city, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be then issued, and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the legislative body either prior or subsequent to the selection of the system

to be used in the construction of said sewerage system. The total amount of bonds to be issued under this act shall not exceed five million dollars.

12. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said commission, who shall determine when and at what price and how they shall be sold. Provided, that no bonds shall be sold for less than par; and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold their proceeds shall go to the credit of the commission, in the same depositories which are selected for the deposit of the funds of the sinking fund commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the commission, countersigned by the chairman, accompanying a voucher approved by the chief engineer.

13. All disbursements of the commission, including compensation to its members, or officers, engineers, agents, and others employed by it shall come out of the proceeds of the sale of the said bonds; provided, however, that the commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed, and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of January following such rejection, the powers herein granted to said commission shall cease and said commission shall stand dissolved.

Section 14. Upon the dissolution of the said commission as provided in section 13, or upon its dissolution growing out of its completion of the work and the consequent expiration of the term of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans,

books and papers, shall, by operation of law and whether acquired by gift, purchase, condemnation, or any other method, vest in and become the property of the city and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which may have been incurred by the commission, and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for.

15. If the issues of the bonds for only a part of the five million ($5,000,000.00) dollars is voted on and made at the first election held under section 11 of this act, the legislative body may pass as many other ordinances and submit to the vote, the question of issuing bonds at as many other regular elections held in the city as it may see fit until bonds of the amount of five million ($5,000,000.00) dollars are authorized and issued.

If at the time any new issue of bonds is authorized a commission exists under this act it and its successors shall continue the work provided for in this act until it is completed. If no commission exists at the time any bond issue is authorized hereunder, then a new commission may be appointed.

The provisions of this act shall apply to each new issue of bonds and to each new commission and the continuance of the work of the commission and to the carrying out of the purposes of this act the same as in the first instance.

Section 16. Section fourteen of an act entitled, "An Act to enable cities of the first class to construct an extension to their systems for the disposition of 'sewerage,' approved March eighteenth, nineteen hundred and twelve," is hereby amended and re-enacted so that the same shall read as follows:

Upon the dissolution of said commission as provided in section thirteen, or upon its dissolution growing out of its completion of the work and the consequent expiration of the term of the members of the commission, all property, real, personal and mixed, franchises, easements, maps, plans, books

and papers, shall by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the commission, and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used by them as a sinking fund for the bonds hereinbefore provided for; provided, however, that if there shall be established before the dissolution of the commission, a new commission for the construction of additions to, and making more perfect the systems of sewerage, then upon the dissolution of this commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers shall on its dissolution by operation of law, and whether acquired by gift, purchase, condemnation or any other method vest in and become the property of said new commission, and all money then in the hands of the former commission shall on its dissolution, be by it turned over to said new commission to be used, first, to defray any and all liabilities which have been incurred by the former commission, and second, the balance to be expended in projection, construction and making additions to and perfecting the sewer systems.

§ 169. That Section 3037c-2 of the Kentucky Statutes (Carroll's Edition, 1922), be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The members of said board shall be appointed by the mayor of the city and shall serve without compensation, and the mayor shall be ex-officio a member of said board, and said members shall be appointed for a term of four years. Provided, however, that,

Upon the creation of the department of public health and the appointment and qualification of the director thereof in any city of the first class as provided by this act, the board of tuberculosis hospital in said city appointed according to law

and as constituted, except as herein provided, at that time, shall cooperate with said department of health; and provided, further that,

From and after the appointment and qualification of a director of health, as provided by law, the mayor of said city shall cease to be a member ex-officio of the board of tuberculosis hospital, and the said director shall thereupon become and be a member ex-officio thereof; Provided further, that,

Upon the expiration of the terms of office of the appointed members of said board, after the appointment and qualification of the director of health, as provided herein, the members of said board and their successors, shall be appointed by the director of health of said city, subject to the approval of the mayor, and shall serve without compensation, and said members shall be appointed for a term of four years.

§ 170. That Section 3037c-4 of the Kentucky Statutes (Carroll's Edition, 1922), be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The mayor, prior to the appointment of the director of health, as provided herein, and thereafter the director of health, subject to the approval of the mayor, shall have the power to fill any vacancies which may occur in the membership of such board through death, resigntion or otherwise, by appointing such other person to fill out the unexpired term for which he was appointed.

§ 171. That Section 3037f-3 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90 entitled "An Act to amend Section 3037f, Carroll's Kentucky Statutes, 1922 edition, relating to the registration of plumbers and the supervision and inspection of plumbing and draining in the cities of the first class, making it apply to cities of the second class as well as the first," neither approved nor disapproved, be and the same when so amended, revised and re-enacted will read as follows:

There shall be in every city of the first and second class in this state, a board of examiners of plumbers, consisting of four members, two of whom shall be master plumbers and two journeymen plumbers. Said board shall be appointed by the mayor and approved by the legislative body or by the board of trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent. (50%) of the fees collected for examinations as hereinafter provided for. No person shall be eligible as member of this board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five or more years.

Provided, however, that from and after the appointment of a director of health in any city of the first class, as provided herein, the members of said board in cities of the first class, when vacancies therein shall occur or at the expiration of the term of office of any member thereof, shall be appointed by the said director, subject solely to the approval of the mayor.

§ 172. That Section 3037f-6 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an Act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90, entitled "An Act to amend Section 3037f Carroll's Kentucky Statutes, 1922 Edition, relating to the registration of plumbers and the supervision and inspection of plumbing and drainage in the cities of the first class, making it apply to cities of the second class as well as the first," neither approved nor disapproved, be and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

The board constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing and drainage

of the city for which the board is appointed and serves; and said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may, from time to time, add to, amend or alter such rules.

After the board as aforesaid has prepared its code of rules or any amendment or alteration thereof the same shall be communicated to the general council or board of trustees of the city in which the said board is appointed and acts, and within ninety days after the same has been submitted to said general council or board of trustees, that body shall, by proper action either accept said rules and regulations and incorporate them as part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the board. In the event the general council or board of trustees rejects the code of rules or any part thereof, as reported by the board of plumbing examiners as herein provided, then the general council or board of trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

Provided, however, that in cities of the first class, from and after the establishment of the department of public health, and the appointment and qualification of the director of health, as provided for herein, the board of plumbing examiners, in cities of the first class, shall revise and formulate a new code of rules regulating the work of plumbing and drainage in said city for which the board is appointed and serves; said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The board may from time to time, add to, amend or alter said rules. After the board, as aforesaid, has prepared its new code of rules or any amendment or alteration thereof, the same shall be communicated to the director of health of said city, and same shall be subject to the approval or disapproval

of the director of health. In the event the director of health rejects the code of rules, or any part thereof, as reported by the board of plumbing examiners, as herein provided, then the director of health shall adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city.

§ 173. That Section 3037f-8 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an Act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90, entitled "An Act to amend Section 3037f, Carroll's Edition of Kentucky Statutes, 1922, relating to the registration of plumbers and the supervision and inspection of plumbing and drainage in the cities of the first class, making it apply to cities of the second class as well as the first," neither approved nor disapproved, be and the same is hereby amended, revised and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

In all cities of the first and second class there shall be appointed by the mayor of the same, one chief plumbing inspector and such number of deputy inspectors as the legislative body or board of trustees of said city may designate. Said city plumbing inspector and deputy inspector shall be appointed by the mayor and approved by the legislative body or board of trustees of said city within ninety days after the passage of this law for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation

and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the general council or board of trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years' practical experience in the business of plumbing, and he shall not be connected in any way with any firm or corporation directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

Provided, however, that after the establishment of the department of public health and the appointment and qualification of a director of health in cities of the first class, as provided herein, the foregoing provisions, so far as same relate to cities of the first class, shall cease to have effect and stand repealed; and provided further, however, that from and after that time the terms of office of the incumbents of the offices of chief plumbing inspector and a deputy inspector or inspectors of said cities of the first class shall cease and determine; and thereafter in all cities of the first class there shall be appointed by the director of health in said city one chief plumbing inspector and such number of deputy inspectors as the legislative body of said city may designate for a term of one year who shall be paid from the treasury of said city at such salary as the legislative body may prescribe. The duty of such officer shall be to inspect all plumbing and drainage done in said city, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the examining board and shall take part in the proceedings whenever said board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the director of health. Said in-

spector shall also have the deciding vote and voice in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years' practical experience in the business of plumbing, and he shall not be connected in any way with any firm or corporation, directly or indirectly, engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 174. That Section 3037f-9 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an Act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90, entitled "An Act to amend Section 3037f, Carroll's Kentucky Statutes, 1922 Edition, relating to the registration of plumbers and the supervision and inspection of plumbing and draining in the cities of the first class, making it apply to cities of the second class as well as the first," neither approved nor disapproved, be, and the same is hereby amended, revised, and re-enacted, so that same when so amended, revised and re-enacted will read as follows:

The plumbing and drainage of buildings, both public and private, shall be executed in accordance with the provisions of this act, and the rules and regulations adopted, as provided by law; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 175. That Section 3037f-10 of the Kentucky Statutes (Carroll's Edition, 1922), as amended by an act of the General Assembly of the State of Kentucky for the year 1924, being Chapter 90, entitled "An Act to amend Section 3037f, Carroll's Kentucky Statutes, 1922 Edition, relating to the registration of plumbers and the supervision and inspection of plumbing and drainage in the cities of the first class, making it apply to cities of the second class as well as the first,"

neither approved nor disapproved, be and the same is hereby amended, revised and re-enacted, so that same when so amended, revised, and re-enacted will read as follows:

The plumbing department of every city of the first and second class in this state consisting of the examining board, the chief inspector and his deputies shall be under the supervision of the board of health of said city, and the chief inspector shall make a complete report of this department to said board of health at the end of each year.

Provided, however, that from and after the establishment of the department of public health and the appointment of a director thereof in cities of the first class as herein provided, the plumbing department of said cities, so constituted, shall be under the supervision of the said department and the reports aforesaid shall be made to the director thereof.

§ 176. That Section 3037g-80 of the Kentucky Statutes (Carroll's Edition, 1922) be, and the same is hereby repealed, and, in lieu thereof, that said section be re-enacted so as to read as follows:

In case of any disagreements between the health and building departments with respect to the construction and enforcement of this act or any part thereof, the question shall be referred to the board of public safety for final determination.

Provided, however, that from and after the time that the board of public safety shall have ceased to exist, as provided herein, the said question shall be referred to the mayor for final determination.

§ 177. All sections of Article II of Chapter 89, of the Kentucky Statutes, Carroll's Edition, 1922, and Acts of General Assembly amendatory thereto, relating to cities of the first class inconsistent with the provisions of this act are hereby repealed, and all general ordinances of said cities inconsistent and in conflict with the provisions of this act are hereby declared to be null and void.

§ 178. In All cases where, under the present laws enacted for the government of cities of the first class, specific powers and duties are vested in boards, officials, and departments of such cities, or where, during the present session of the General Assembly further acts relating to such cities are enacted delegating to and vesting in said boards, officials and departments any such powers or duties, all such powers and duties so delegated or vested are hereby respectively delegated to and vested in, to become effective as herein provided, such boards, officials, or departments, as and when, under this act same are required to take over the duties or functions of such existing boards, officials or departments, and the delegation herein made shall have the same force and effect as is specifically set forth in this act.

Mr. Ryans offered the following Amendment thereto, viz.:

Amend S. B. 79 in House by adding thereto the following section to be known as section 178:

That this act shall be subject to the referendum power of the qualified voters of cities of the first class which is hereby declared to exist. At the regular November election in 1927, then shall be submitted to the then qualified voters of all cities of the first class the question whether or not they are in favor of this act becoming a law, and if a majority of the votes cast in said election shall be in favor of this act becoming a law then it shall take effect and become a law in accordance with its terms and provisions, but if a majority of such votes be against this act becoming a law then it shall not take effect or become a law.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	A. M. Mercer
W. B. Ardery	E. J. Doss	H. H. Miller
Wm. J. Arvin	D. E. Edwards	J. S. Milliken
W. O. Bach	J. O. Evans	B. T. Morris
J. H. Baughman	D. W. Fowler	L. P. Murphy
Shaler Berry	R. E. Glenn	W. J. McGill
C. H. Berryman	F. A. Gnau	Caleb Page
Geo. A. Brown	Whitsett Hall	J. J. Patterson
J. R. Buckman	J. F. Harrison	Jas. J. Peters
W. G. Buckner	C. W. Hawkins	Geo. W. Potter
S. J. Bunger	Goebel B. Henson	H. A. Pulliam
W. A. Carson	H. B. Holland	Philip J. Ryan
C. B. Carver	S. K. Holland	W. R. Smith
Lee Clark	J. C. Hutcherson	Frank L. Strange
Lonnie Cooper	Grover C. Johnson	Mac Swinford
Fred H. Coots	W. W. Johnson	J. L. Valandingham
J. D. Cox	Mrs. H. G. Jorris	Chiles Van Antwerp
J. L. Cushing	Thos. H. King	W. S. Wallen
C. L. Daly	Leon P. Lewis	
Marmon B. Daniel	Shelby Martin	—58

Those who voted in the negative were—

T. H. Benton	J. R. Kelly	C. W. Ryans
F. W. Bryant	Oscar Leibson	Chas. L. Seale
J. S. Cruse	J. L. Manning	M. G. Slusher
Otto C. Gartin	Chas. N. McCarty	E. J. Snyder
Lawrence Harmon	F. T. Nichols	J. G. Swearengin
J. M. Hayse	Smith Park	C. D. Vincent
H. M. Holbrook	W. H. Pryor	T. B. Watts
Ira L. Horne	Clint Raymer	
D. C. Jones	R. R. Rogers	—25

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills and a resolution of the following titles, viz.:

S. B. 59. An Act for the benefit of the Home for Incurables.

S. B. 429. An Act appropriating $12,500.00 for use by the Custodian of Public Buildings for the payment of salaries of such employees whose compensation has not been provided for in the regular annual budget allowance, but who have rendered, or may render services in or upon the State Capitol, Governor's Mansion and other public property.

S. B. 332. An Act to amend section 1321, Kentucky Statutes, Carroll's 1922 Edition.

S. B. 297. An Act providing for the working of prisoners confined in the prisons of the State on state highways and bridges, constructed or maintained by the State Highway Commission; providing, for the care, supervision, guarding, maintenance, transportation and housing of such prisoners while so engaged and for the cost and expense thereof; providing for compensation to such prisoners and their dependent families; and authorizing the State Board of Charities and Corrections to lease or purchase farm lands for the working of convicts or inmates thereon, when funds are available and have been appropriated by the Legislature therefor; and repealing chapter 34 of the Acts of the General Assembly, 1922.

S. B. 263. An Act directing the submission of an amendment to section 246 of the Constitution of Kentucky, relating to the compensation of Public Officers.

S. B. 87. An Act to amend and re-enact sections 4130, 4135, 4143, 4146, 4147, 4148, 4151, subsection 2 and 4250, Kentucky Statutes, John D. Carroll's 1915 Edition, as amended by chapter 108 and chapter 121, 1924, Acts of General Assembly of the Commonwealth of Kentucky, all relating to revenue and taxation.

S. Res. 34. Resolution providing additional compensation for the Chief Clerk and Assistant Clerk of the Senate and House of Representatives.

H. B. 310. An Act to authorize the Governor to appoint a Commissioner of Pardons.

H. B. 210. An Act providing for the appointment and qualifications of official shorthand reporters in Circuit Courts other than courts of continuous session; defining the duties thereof and prescribing the fees, etc.

H. B. 211. An Act to repeal and re-enact chapter 33 of the Acts of the General Assembly of 1902 (p. 71), which is entitled "An Act to change the name of the State Normal School for colored persons, and regulate the conduct of same" same being section 4527a, Kentucky Statutes, 1915 Edition.

H. Res. 17. Resolution approving the report of the Joint Committee investigating the Covington and Cincinnati Bridge Company, etc.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said Senate bills and Senate resolution be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said House bills and House resolution to the Senate.

After a time, the Enrolling Clerk of this House delivered the original and enrolled copies of said bills and resolution, duly signed by the President of the Senate into the possession of the Chief Clerk of the House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the hour of five-thirty o'clock p. m. Mr. Milliken moved that the House recess until seven-thirty o'clock p. m.

Said motion was agreed to.

At the hour of seven-thirty o'clock p. m. the Speaker resumed the chair and called the House to order.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. 147. An Act relating to the taxation of domestic Life Insurance Companies.

With the following amendments thereto, viz.:

Amend H. B. 147 by striking from lines 10 and 11, section 1, subsection A, the word "franchise;" and by striking from line 12 of section 1, subsection A, the words "said franchise" and substituting in lieu thereof and instead thereof the words "the shares of stock of said companies;" and by striking from lines 27 and 28, section 1, subsection A, the words, "franchise tax in lieu of an ad valorem tax upon said franchise" and substituting in lieu and instead thereof the words "tax upon the shares of stock of the said companies."

Amend caption by striking from line 2 thereof the word "franchise" and substituting in lieu thereof the words, "the shares of stock;" and by striking from lines 2 and 3 of said caption the word "franchise" and by adding after the word "value" in line 3 of said caption, the words "of said shares of stock;" and so amending said caption as that when amended it shall and does read as follows:

"An Act relating to the taxation of domestic life insurance companies, fixing the annual state rate on the shares of stock thereof, prescribing how the value of said shares of stock shall be determined, and to whom the taxes shall be paid, and limiting the local rate of taxation thereon for county, city, town, and other taxing districts; providing for the taxation of real estate owned by such companies, and for a referendum if desired; repealing and re-enacting section 4237a (1) and (2), Kentucky Statutes, Carroll's Edition, 1922, and repealing all laws or parts of laws in conflict herewith."

Said amendments were concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lawrence Harmon	H. H. Miller
W. O. Bach	C. W. Hawkins	J. S. Milliken
J. H. Baughman	J. M. Hayse	T. R. Moore
D. F. Brown	Goebel B. Henson	B. T. Morris
F. W. Bryant	H. M. Holbrook	Chas. N. McCarty
J. R. Buckman	H. B. Holland	J. L. McDavid
W. G. Buckner	S. K. Holland	W. J. McGill
S. J. Bunger	Ira L. Horne	Smith Park
C. B. Carver	E. M. Johnson	Geo. W. Potter
Lee Clark	Grover C. Johnson	W. H. Pryor
Fred H. Coots	W. W. Johnson	Philip J. Ryan
J. D. Cox	Mrs. H. G. Jorris	C. W. Ryans
J. S. Cruse	W. O. Keller	Chas. L. Seale
W. J. Curtis	J. R. Kelly	M. G. Slusher
J. L. Cushing	Thos. H. King	W. R. Smith
C. L. Daly	Oscar Leibson	E. J. Snyder
Mormon B. Daniel	W. W. Leslie	Frank L. Strange
J. R. Dorman	Leon P. Lewis	J. G. Swearengin
D. E. Edwards	J. L. Manning	C. D. Vincent
J. O. Evans	Shelby Martin	W. S. Wallen
R. E. Glenn	A. M. Mercer	T. B. Watts
Whitsett Hall	H. J. Meyers	

—65

Those who voted in the negative were—

W. B. Ardery	Jas. J. Peters	Chiles Van Antwerp
J. C. Hutcherson		

—4

Resolved that the title thereof be as amended.

Mr. Milliken moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed resolutions which originated in that body of the following title, viz.:

S. Res. 33. Resolution providing for furnishing Kentucky Directories.

Said resolution is as follows, viz.:

Resolution providing for furnishing Kentucky directories.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding one dollar and fifty cents per copy, five hundred copies of the book entitled "Kentucky Directory," one thousand nine hundred and twenty-six for the use of the courts, State and county officials and members of the General Assembly. The Librarian will furnish the members of the General Assembly and such officials as may be designated by the presiding officers of the respective Houses a copy of the same and will furnish State officials with copies thereof and send a copy thereof to the Clerk of the county court of each county of the State, to be kept in his office. The Librarian will furnish the Librarian of each State and territory of the Union a copy of said book in exchange for similar books from the said States and territories and a copy to the Librarian of Congress.

Section 2. It being necessary that the officials should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	J. S. Milliken
W. B. Ardery	D. E. Edwards	T. R. Moore
Wm. J. Arvin	J. O. Evans	B. T. Morris
W. O. Bach	R. E. Glenn	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
D. F. Brown	C. W. Hawkins	W. J. McGill
Geo. A. Brown	Goebel B. Henson	Smith Park
J. R. Buckman	H. B. Holland	Jas. J. Peters
W. G. Buckner	J. C. Hutcherson	Geo. W. Potter
S. J. Bunger	E. M. Johnson	W. H. Pryor
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	Chas. L. Seale
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
J. D. Cox	W. O. Keller	W. R. Smith
J. S. Cruse	J. R. Kelly	E. J. Snyder
W. J. Curtis	Oscar Leibson	Frank L. Strange
J. L. Cushing	W. W. Leslie	J. G. Swearengin
C. L. Daly	Shelby Martin	C. D. Vincent
Mormon B. Daniel	A. M. Mercer	T. B. Watts
J. R. Dorman	H. H. Miller	

—65

Those who voted in the negative were—

H. A. Pulliam	Clint Raymer

—2

S. Res. 14. Resolution providing for the appointment of a committee on behalf of the celebration of the 200th anniversary of George Washington.

Said resolution is as follows, viz.:

SENATE JOINT RESOLUTION No. 14.

A Concurrent Resolution providing for the appointment of a Commission to arrange for the suitable and proper parti-

cipation of Kentucky in the Two Hundredth Anniversary of George Washington.

Whereas, The Congress of the United States has by resolution provided for the celebration of the Two Hundredth Anniversary of the birth of George Washington, and

Whereas, the various Statutes of the Union have been invited to participate in this celebration therefore,

Be it resolved by the Senate of Kentucky, the House of Representatives concurring therein:

That the State of Kentucky do participate in the celebration of the Two Hundredth Anniversary of the birth of George Washington, as contemplated by resolution of the Sixty-eighth Congress known as Public Resolution No. 38, approved December 2, 1924, and that for the purpose of cooperating with the Congressional Commission appointed in pursuance of said Resolution No. 38, in the preparation and carrying out of a plan or plans for such celebration, a State Commission for the State of Kentucky is hereby established, the same to be composed of twelve commissioners as follows:

Honorable W. J. Fields, Governor of Kentucky, Honorable Henry H. Denhardt, Lieutenant Governor of Kentucky, Honorable G. L. Drury, Speaker of the House of Representatives, together with three persons to be appointed by the Governor of the State of Kentucky; three Senators to be appointed by the Lieutenant Governor of Kentucky; three Representatives to be appointed by the Speaker of the House of Representatives.

Said commissioners shall serve without compensation except the actual necessary expense attending to the business of the commission, which shall be paid by the treasurer upon warrant drawn by the Auditor upon the certification of the amount of said necessary expenses by the Governor.

Said commissioners shall choose a chairman, together with a secretary, from among their number and shall keep a record of their proceedings and make necessary recommendations to the next session of the General Assembly.

Said resolution was adopted.

S. Res. 20. Resolution adopting the Golden Rod as the official State flower.

Said resolution is as follows, viz.:

CONCURRENT RESOLUTION 20.

Golden Rod adopted as official State Flower. Resolved by the Senate of Kentucky, the House of Representatives concurring.

It being common knowledge that various States of the Union have by proper resolution selected a flower native to all sections of the State to be known as the official flower:

Therefore, be it resolved that the Senate of Kentucky, the House of Representatives concurring, have selected the Golden Rod as the official State Flower of the State of Kentucky.

Said resolution was adopted.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 1. An Act relating to the creation of water districts in counties of the state, and providing for the establishment, construction, or purchase of a water system, for the purpose of furnishing water to the inhabitants thereof; prescribing the methods of expenditures, the assessment and collection of costs and expenses thereof; providing for the appointment of commissioners and prescribing their duties and providing for the payment of officers and employes. The issuing and selling of District Bonds with which to secure funds to defray the costs and expenses of any such improvements, re-

pealing an Act, entitled "An Act providing for the creation of water districts, etc.," approved March 25, 1924.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purposes of preserving and promoting the public health, the public convenience and welfare, and to provide fire protection to the citizens of any county in the state, the county judge of any such county upon petition of twenty-five freeholders, residents of the proposed district may establish a water district and appoint water commissioners as hereinafter provided, for the purpose of furnishing a water supply to the citizens of any county.

The said petition shall describe the territory intended to be included in any such district, and shall set out the reasons for the necessity of the organization of same. Upon the filing of said petition, the judge of the county court shall cause to be published in a newspaper of general circulation in the county, if one, or if none, by posting notice in three public places in the proposed district that said petition has been filed. Within thirty days after the publication, or notice, any resident of the proposed district may file his objections, and the court shall then set the case for hearing within ten days. If the court shall be of the opinion that the establishment of such district is reasonsonably necessary for the public health, convenience, fire protection, and comfort of the residents thereof, it shall thereupon make an order establishing said district, and designating the same by name or number.

The court may in this order strike off any part of the territory, which the testimony shows will not be benefited by the creation of such district. If the court be not satisfied that said district shall be created, it shall dismiss the petition. Either party may thereupon prosecute an appeal to the circuit court for a retrial, and from the circuit court to the Court

of Appeals as privided by law. If a jury trial is demanded by any person interested, the trial shall be by jury, otherwise the exceptions shall be tried by the court.

§ 2. After the county judge shall have made an order creating said water district, he shall appoint three commissioners, residents of the county, to be known as water district commissioners. One of said commissioners shall be appointed for the term of two years, one for the term of three years and one for the term of four years. Upon the expiration of the term of office of each of these commissioners the county judge shall appoint a commissioner to succeed him to serve for the term of four years.

Said commissioners shall receive a salary not to exceed one thousand dollars per year to be fixed by the county judge, and to be paid out of the treasury of the water district fund.

§ 3. After the establishment of the water district, its territorial limits may be enlarged or diminished in the following way. The water commissioners shall file a petition with the county judge, describing the territory to be annexed or stricken off and setting out the reasons for the same. Notice of said petition shall be published in a newspaper of general circulation in the county, or by posting notices in three public places in the proposed district, and within thirty days after the publication, or notice, any resident of the water district, or other territory proposed to be annexed or stricken off, may file his objections, and exceptions. The county judge shall thereupon set the matter for hearing, and, if he be of the opinion that the annexation of such territory is reasonably necessary he shall make an order annexing said territory. Otherwise he shall dismiss the petition. If the county judge be of the opinion that the striking off of said territory is proper, he shall make such an order, otherwise he shall dismiss the petition. Either party may thereupon prosecute an appeal to the circuit court, where the matter shall be reheard, and from the circuit court to the Court of Appeals, in the manner now provided by law. Either party affected may de-

mand a jury to try the exceptions, otherwise the court shall dispose of same.

§ 4. The water district commissioners shall elect a chairman, secretary and treasurer. They shall have power to acquire, contract, purchase, install and lay pipe and water laterals, and operate a water system for any district. For all purposes, they shall be a body corporate, and are empowered to make contracts with municipalities, and other persons and corporations for and on behalf of said water district, for a water supply; to prosecute and defend suits against the same; to hire necessary employees. Each commissioner so appointed shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of his position. Any vacancy in said position shall be filled by the county judge. Said commisisoners shall possess other powers and rights, as usually pertain to corporations, or may be necessary for carrying on work under the provisions of this act. Said board shall have and use a corporate seal and shall have all powers necessary and usual in the premises.

§ 5. The commissioners shall have the power to establish water rates and to make reasonable rules and regulations for the disposition and consumption thereof, and to do all things necessary and incident to the operation and maintenance of a water system.

§ 6. Whenever a water supply line, or lines, or system has been constructed, and is in operation in any district established as herein provided, by any corporation or individual, or individuals, or public institution, and is supplying water to the ctizens and land owners of any water district created as herein provided, and it is deemed expedient by the water district commissioners to acquire and purchase same, they may examine the same, and if they find same properly designed and constructed they are hereby empowered to purchase same, and pay for same in the same manner, by assess-

ment according to benefits, as herein provided for the original construction and improvement.

§ 7. If it shall be necessary to acquire a right of way or land, and the same cannot be acquired by purchase, then and in that event the power of eminent domain is hereby conferred, and same may be condemned by the water district commissioners. Such owner or owners of land, sought to be condemned, shall be made parties to the proceeding, and the procedure shall be substantially as provided at present, for the condemnation of land for railroads, and such damages as may be awarded shall be paid by the board of water district commissioners out of the first funds available.

§ 8. The water district commissioners shall go over and inspect and examine the land, and lots, and real estate in said district which may be affected by the proposed water system improvement. A majority of said commissioners shall control and decide all questions. The commissioners shall classify the land, lots, real estate, and improved real estate in the district with reference to the benefit it will receive from the construction and operation of the water system and improvement. The land benefited shall be separated into five classes. The land receiving the highest benefit shall be marked "Class A;" that receiving the next highest shall be marked "Class B;" that receiving the next highest shall be marked "Class C;" that receiving the next highest benefit "Class D;" and that receiving the smallest benefit "Class E." The total number of acres or lots, or feet of land owned by any person in each class, and the extent benefited shall be determined. The total quantity of land in each class, in the entire district shall be obtained and presented in tabulated form. The scale of assessment to be made by the board of water district commissioners upon the several classes of land shall be in the ratio of five, four, three, two and one. That is to say, as often as five mills per acre shall be assessed against the land in "Class A," four mills per acre shall be assessed against the lands in "Class B," three mills per acre in "Class C," two

mills per acre in "Class D," and one mill per acre in "Class E." This shall form the basis of the assessments of benefits to the lands, and property for all purposes. Provided however, that if by reason of existing conditions in any district the water commissioners shall believe that substantial injustice will be done any land owner or land owners by strict conformity to the five class rule above, the classification may be so changed by diminishing or increasing the number of classes as to conform to such conditions. Said report shall contain a statement of the estimated cost of the work and improvement to be made in said district, and shall also contain a description of all lands, and property in said district, and the names of the owners thereof, and said report shall also contain a statement of the estimated benefits that will accrue to each class of land, and property by reason of the construction of the proposed improvements.

§ 9. When the final report is completed and filed, it shall be examined by the court, and if it is found to be in due form, and in accordance with the law, it shall be accepted, and if not in due form, it may be referred back to the commissioners with instructions to secure further information, to be reported at a subsequent date to be fixed by the court. When the report is fully completed and accepted by the court, a date not less than twenty days thereafter shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication in one issue of a newspaper of general circulation in the county, if any, and if none, by posting notics in three places in the proposed district. Publication is to be made at least two weeks before the final hearing. During the time, a copy of the report shall be on file in the office of the clerk of the county court in which said proceeding is pending, and shall be open to the inspection of any land owner or person interested within the district. Any person interested may file exceptions to said report. The court upon final hearing shall confirm or reject same. A jury trial may

be demanded by any person interested; otherwise the exceptions shall be passed on by the court.

§ 10. After the classification of the land, and the ratio of assessment of the different classes to be made thereon has been confirmed by the court, the water commissioners shall prepare an assessment roll, giving a description of all the land in said water district, the name of the owner, so far as can be ascertained from the public records, and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, the cost of the proceedings and all wages paid or to be paid, and the total shall be the amount to be borne and paid by the lands benefited. This shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment made by the commissioners and confirmed by the court. Attached to this water assessment roll, or accompanying same, and filed with it, shall be a statement of the costs of the work to be done, and costs of the proceedings and wages, salaries, fees, including all fees due and to become due to the engineers and other agents, and all other costs and expenses of every kind, nature or description and five per cent in addition thereto to meet any unforeseen contingencies. The water tax roll, and statement of the costs of improvement attached thereto, shall be made in duplicate and shall be signed by the chairman and secretary of the board and the other copy shall be filed with the clerk of the county court in which the proceeding is pending, upon the filing of said copies of said assessment roll and the statement of costs thereto attached with the clerk, and the county clerk shall give at least ten days notice of the time of the hearing on the assessment roll and statement of cost, by publishing the notice thereof at least ten days before the time set for hearing, in some newspaper regularly published or circulated in said county in which the proceedings are pending, or if there be none, by posting notices in three public places in the district.

At the time fixed for the hearing, the court shall hear in a summary way, any and all objections to the amount of the cost of the said improvement, as set out in the statement made by the said water commissioners, and filed with the said assessment roll, and any and all objections to the assessment of lands therein set forth, and shall enter an order confirming the said assessment roll, or directing the commissioners to change the same in accordance with the finding of the said court. The order of the court confirming or modifying said assessment roll and statement of costs shall be a final order and may be appealed from. Said court shall also direct the clerk of said court to certify to the treasurer of the water district commission a copy of the said assessment roll, as filed by the commissioners, or changed by the court, if it is so changed. One copy of the said assessment roll shall be retained by the clerk and recorded as part of the record. Said assessment roll shall contitute and be a first and paramount lien against the lands assessed, subject only to the lien for state and county taxes. A jury trial may be demanded by any person interested, otherwise the exceptions shall be disposed of by the court.

§ 11. Any landowner whose land is assessed for any improvement under the provisions of this law may pay his assessment in full at any time within thirty days after the notice of assessment has been published as herein provided. At the end of thirty days the water commissioners are hereby empowered to issue bonds to pay any balance due on any improvement, and water system, and in which event said board of commissioners shall give notice by publication in one issue of some newspaper of general circulation in the county, or by posting three written or printed notices in the district in counties where lands assessed are located, that they propose to issue bonds for the construction and payment of said improvements, giving the amount of bonds to be issued, the rate of interest they are to bear and the time when payable.

§ 12. Each and every person owning land in the district, which is assessed for the construction of an improvement,

who shall neglect or fail to pay the full amount of his assessment to the treasurer of the water commission within the time specified shall be deemed as consenting to the issuing of said water bonds. The term "person" as used in this act includes any person, firm, company or corporation.

§ 13. At the expiration of thirty days after the publication, the board of water commissioners may divide, the unpaid assessments into annual installments of not less than ten, which shall draw interest at the rate of six per cent per annum, payable annually, from thirty days after the date of publication, and may issue bonds to anticipate the collection thereof, which bonds shall mature in series to correspond with the said installments into which the unpaid assessments are divided, and which bonds shall draw interest at the rate of not less than six per cent per annum, payable annually, and be payable at some place to be designated by the board of water commissioners; the said bonds so issued shall be for the exclusive use and benefit of said water district, and shall designate on the face the name of the said district and the purpose for which they were issued. The assessment, and each installment thereof, shall constitute a first and paramount lien, second only to state, county and town taxes upon the lands assessed in said district, for the construction and payment and improvement of the work, ordered to be done therein, upon which the assessment has not been fully paid. The water commissioners, in dividing the unpaid assessment into installments, shall fix the time for the payment thereof in each respective year, and it shall be the duty of each land owner whose land is in lien for the payment of said bonds to pay the installments due thereon against his land, with all interest due at that time on that installment and deferred installments, to the treasurer of the water commission on or before the time fixed by the water commissioners for the maturity of the said installment. Upon the first Monday after the said installment is due, the board of water commissioners shall meet and ascertain the party or parties whose

installment is in default, if any, and shall on said date issue warrants directed to the sheriff or other collecting officers directing him forthwith to collect the same in default. Said sheriff or other collecting officer shall collect said installment with interest that is due on that and deferred installment, together with a penalty of six per cent thereon as state and county taxes are collected, and settle therefor with said board of water commissioners within sixty days from time the same were certified to him, and pay to said board the moneys so collected. And all lands upon which the said moneys due on said installment have not been collected at the end of the said sixty days, the said sheriff shall forthwith advertise and sell in the same manner as is provided in the case of state and county taxes. The said sale so made to be subject to the future installments of the said assessments, and at the expiration of ninety days from the date of the original certification of the installment to the said sheriff or other collecting officer, the said sheriff or other collecting officer shall make final settlement with said board of water commissioners and pay to them all moneys in his hands, and in default thereof said commissioners may compel the sheriff to make said settlement by rule against him issued by the county court in which said proceedings are pending, after giving him five days' notice thereof in writing. In case any land or lands be not purchased at said sale, the said sheriff or other collecting officer shall purchase said land or lands for said district and in his final settlement with said water commissioners shall take credit therefor. The sheriff or other collecting officer shall certify each of said sales to the county court clerk as required in the sale of lands for state and county taxes, and said clerk shall record such sale in a book kept by him. For collecting the assessments so certified to him the sheriff or other collecting officer shall be paid by the said water commissioners the same fees allowed him for collecting state and county taxes in the same manner; and for recording said certificate of sale the said clerk shall be allowed and paid the same fees allowed him by

law for similar work in reference to state and county taxes. The owner of such real estate, or his representatives, heirs or assigns, shall have the right to redeem said land from said sale as is now provided for the redemption of land sold for state and county taxes, but only upon the same terms and conditions and within the same time as allowed in such cases. Any sheriff or collecting officer who shall fail to settle and pay off any installment of assessment with interest as herein provided, within the time as herein provided shall be liable to the board of water commissioners for the full amount so certified to him, with interest, which may be collected from the sheriff or other collecting officer by rule issued against him by the county court, in which the proceeding is pending, on notice of five days in writing previously given to him in reference thereto. The sheriff or other collecting officer shall be liable upon his official bond for his acts done hereunder, and for the faithful performance of his duties prescribed herein.

§ 14. When said court has confirmed an assessment for the construction of any water system and such assessment has been modified by a court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the board of water commissioners shall have power to change or modify the assessment as originally confirmed to conform to the judgment of the court and to cover any deficit that may have been caused by the order of said court, or unforeseen occurrence. The said re-levy shall be made for the additional sum required, in the same ratio on the lands as the original assessment was made. And in any other case where, for cause, it is ascertained that the amount assessed against the property in the water district is not sufficient to complete the improvements provided for, the county court shall, upon petition of the board of water commissioners, or any three or more of the petitioners, or upon their joint petition, setting forth the amount of the deficit, the causes thereof and the amount necessary to be raised in order to complete the work, and asking

an additional assessment and levy therefor, giving notice of the filing and purpose of the petition and fixing a time, not less than ten nor more than twenty days from the giving of said notice, when said petition shall be acted upon. Said notice shall be published in at least one newspaper in circulation in the county, if any, and if none, by posting notices in three public places in the district, and such publication or notices shall, when so made, by the clerk of the court, be deemed sufficient and due notice of said proceedings to all parties affected thereby, and if upon hearing the court shall be of opinion that the additional assessments and levy asked for in the petition is necessary and ought to be made in order to complete said work, the court shall direct such assessment and relevy to be made by the commissioners of the water district, such additional assessment and relevy to be made in the same ratio on the lands benefited as the original assessment was made and collected in the same way.

§ 15. The fees of officers for services rendered under this act shall be the same as fees now allowed by law for similar services in other cases. Such fees shall be taxed as a part of the costs. All of said costs shall be paid on the order of the court. The compensation allowed for services of the engineers, superintendent and other labor, shall be paid by order of the water commissioners out of the water fund. Fees or compensation for any service not herein otherwise fixed or provided for, shall be fixed and paid by the water commissioners. The treasurer of the water commission shall only pay out money on warrants drawn by the board, signed by its president, and countersigned by its secretary, except as herein otherwise provided.

§ 16. The power of appointment under the provisions of this act shall carry with it the power of removal, for cause, after hearing, at any time in the discretion of the appointing authority, or his or their successors in office.

§ 17. The board of water commissioners shall keep, or cause to be kept a true and correct account, as far as the same

is practicable, of the time spent by engineers, superintendent and all other employees, and each item of expense incurred, upon or in connection with any water district, and charge the same to the district or system for which the same was done. Where the time or work is upon more than one district at the same time, it shall be apportioned between them. In the event any compensation fixed by the board for superintendent, secretary or other employee is on a salary basis, such salary shall be apportioned to the water district by the board, and in such manner as shall seem to them equitable.

§ 18. The aforesaid assessment roll, or tax book of the district as made up by the board of water commissioners shall be prima facie evidence in all courts that all steps necessary to be taken hereunder have been duly and properly taken, and that all proceedings are regular and valid. The liens established and declared in preceding sections may be enforced by an action in the circuit court without regard to the amount of the claim at any time after January 1st, of the year for which said taxes were levied at which last named date all unpaid taxes shall become delinquent. The suit shall be brought by the board of water commissioners against the land or lands, property or properties on which such water tax has not been paid. The suit shall be brought in the county in which the property is situated. The pleadings, process, proceedings, practice and sales, in cases arising under this section shall, except as herein provided, be the same as in actions for the enforcement of other liens, but the right to institute such actions shall in no wise prevent sales by the sheriff or collecting officer, as in cases of delinquent state and county revenue. In all suits said delinquent taxes and penalty shall also include all costs of suit, recovering the same as the delinquent tax and in the same suit. The proceedings of sales made under and by virtue of this section shall be paid into the treasury of the district, and shall be accounted for by the treasurer.

The county attorney shall file and attend to all suits for collection of water assessments, as now provided by law for

collection of state and county taxes by him. He shall also be the legal advisor of said board of water commissioners. The water commissioners may make him an allowance, not to exceed five hundred dollars annually, for services, to be paid out of the water district fund.

§ 19. The water commissioners shall designate one of the commissioners to be treasurer. It shall be the duty of the treasurer of the water commission to pay any money in his hands, collected as aforesaid upon warrants signed by the president, and attested by the secretary of the board of water commissioners of the district when the same shall be presented for payment. As compensation for his services the treasurer shall receive such amount as may be fixed by the board of water commissioners. He shall execute bond to the commission in an amount to be fixed by the commission.

§ 20. The provisions of this act shall be liberally construed so as to carry into effect the true intent and meaning thereof. If any part of this act shall be declared illegal, it shall not affect the remaining part thereof. The collection of the assessment shall not be defeated where the parties are properly before the court, on account of any irregularity in the proceedings which does not affect the substantial rights of the party complaining. Any party, or their privies properly before the court under Civil Code of Practice, shall be deemed to be before the court for all purposes, and shall be bound by all orders, judgments and proceedings in the case not excepted to or appealed from, in the manner herein provided for. The remedies herein provided for are exclusive of all other remedies. If on appeal or otherwise, or for any cause, any person or property shall be released, or any assessment raised or lowered, it shall in no manner affect the rights or liabilities of any other property or person, and the failure to appeal within the time herein prescribed shall be a waiver of any right to attack the proceedings.

§ 21. The board of water commissioners may appoint a competent person as superintendent of water districts, who

shall be subject to the orders of the board and who shall look after the improvements, established under this law. Such superintendent, with the approval and consent of the board of water commissioners, may employ such labor and assistance in the performance of his duties as may be necessary. All expenses incurred shall be reported by such superintendent, or other employe, to the board of water commissioners. His salary shall be fixed by the board, and to be paid as other salaries herein provided for are paid.

§ 22. Upon the final reference to it by the court, of any water proceeding under this act, the board shall cause notice in some newspaper published in the county wherein such improvement is located, if such there be, and such publication elsewhere as they may deem expedient, at the time and place of letting the work of construction of said improvements; and in such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof; and on the date appointed for the letting they shall convene and let to the lowest responsible bidder either as a whole or in sections, as they may deem most advantageous for the district, and the proposed work. No bid shall be entertained that exceeds the estimated cost, except for good and satisfactory reasons, it shall be shown that the original estimate was erroneous. They shall have the right to reject any or all bids and advertise again the work, if in their judgment the interest of the district will be subserved by doing so. They may require each bidder to execute a bond or put up a certified check payable to the treasurer of the water district, in an amount to be fixed by them, as an evidence of good faith, that they will enter into a contract, if the successful bidder. The successful bidder shall be required to enter into a contract with the board of water commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties, in favor of the board of water commissioners, for the use and benefit of the district in an amount equal to fifty per cent of the estimated cost of the work awarded to him.

§ 23. The chief engineer in charge of construction shall make monthly estimates of the amount of work done, and furnish one copy to the contractor, and file the other with the secretary of the board of water commissioners, and said board shall, within five days after the filing of such estimate, meet, and if they approve the estimate, shall direct the secretary to draw a warrant in favor of such contractor for eighty per cent of the work done, according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary, to the treasurer of the water fund, he shall pay the amount due thereon out of any funds in his hands, to the credit of that district. When the work is fully completed and accepted, he shall make an estimate for the whole amount due, including the amounts withheld on the previous monthly estimates, which shall be paid from the water fund as herein provided.

§ 24. The board of water commissioners may include in any water district established by them, any town (except a city of the first or second class) that is without water supply, and without the right or authority to construct and lay water mains in its streets and public places at the cost and expense of the owners of the lots and parts of lots fronting or abutting thereon, and assess the property in such town according to benefits as herein provided. Any such assessment made upon real estate in any such town shall be a lien against the same, prior to any other tax or assessment or lien, excepting the lien for state, county and town taxes, as provided by law which shall constitute a prior lien against the property.

§ 25. Any county provided for by this act, may, by resolution of the fiscal court, pay any part of the costs of establishing, or creating, or purchasing a water line or water system as provided for herein.

§ 26. The water commissioners shall have the power to establish water rates and to make reasonable rules and regulations for the disposition and comsumption of water, and to

do all things necessary and incident to the successful operation and maintenance of a water system.

§ 27. An act entitled "An act providing for the creation of water districts, for the appointment of water commissioners and specifying their powers and duties," approved March 25th, 1924, is hereby repealed.

§ 28. Owing to the rapid development and growth of counties in the state, and the necessity for a water supply and fire protection for the citizens, thereof, an emergency is hereby declared, and this act shall take effect from and after its passage.

Mr. Cushing affered the followeing Amendment to said bill, viz.:

Amend S. B. 1 in House by striking out section 24 on page 16 of the printed bill and inserting in lieu thereof the following:

Section 24. The board of water commissioners shall not include in any water district established by them any incorporated city or town, which has the right under the law to construct and lay water mains in its streets and public places at the cost and expense of the owners of the lots and parts of lots fronting or abutting thereon.

Said Amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. A. Gnau	L. P. Murphy
J. H. Baughman	Whitsett Hall	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
D. F. Brown	C. W. Hawkins	F. T. Nichols
Geo. A. Brown	J. M. Hayse	Smith Park
F. W. Bryant	H. M. Holbrook	H. A. Pulliam
J. R. Buckman	S. K. Holland	Clint Raymer
W. G. Buckner	E. M. Johnson	R. R. Rogers
C. B. Carver	Grover C. Johnson	Philip J. Ryan
Lee Clark	D. C. Jones	C. W. Ryans
Fred H. Coots	W. O. Keller	Chas. L. Seale
J. D. Cox	W. W. Leslie	M. G. Slusher
J. S. Cruse	Leon P. Lewis	W. R. Smith
W. J. Curtis	J. L. Manning	E. J. Snyder
J. L. Cushing	Shelby Martin	Frank L. Strange
C. L. Daly	A. M. Mercer	J. G. Swearengin
Mormon B. Daniel	H. J. Meyers	Chiles Van Antwerp
E. J. Doss	H. H. Miller	C. D. Vincent
D. E. Edwards	J. S. Milliken	W. S. Wallen
J. O. Evans	T. R. Moore	T. B. Watts
Otto C. Gartin	B. T. Morris	—65

Those who voted in the negative were—

W. B. Ardery	Ira L. Horne	Caleb Page
S. J. Bunger	J. C. Hutcherson	J. J. Patterson
Lonnie Cooper	W. W. Johnson	Jas. J. Peters
J. R. Dorman	Mrs. H. G. Jorris	Geo. W. Potter
R. E. Glenn	J. R. Kelly	W. H. Pryor
Goebel B. Henson	Thos. H. King	
H. B. Holland	Oscar Leibson	—19

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 390. An Act relating to the exemption of property from taxation; providing for the repeal, amendment and re-enactment of Section 4026 Kentucky Statutes, Carroll's 1915 Edition, and repealing all laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4026 Kentucky Statutes, Carroll's 1915 Edtion, be amended by repealing said section 4026 and inserting in lieu thereof the following section, so that when said section is amended by substituting and re-enacting the following section in lieu thereof, the same shall read as follows:

Section 4026. (8) Property Exempt from Taxation. The following property is exempt from taxation: Public property used for public purposes; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship, not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit; institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; property owned and used exclusively by college fraternities wherein only students attending colleges in this state live and said property is used in lieu of students' dormitories and not used or employed for gain or profit by any person or corporation and the income of

which is devoted solely for the boarding and lodging of students attending colleges; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country, appurtenant thereto; household goods or other personal property of a person with a family not exceeding two hundred and fifty dollars ($250.00) in value; crops grown in the year in which the assessment is made and in the hands of the producer.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and rejected.

The yeas and nays being taken therein in accordance with the provisions of the Constitution, were as follow, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. W. Hawkins	J. S. Milliken
W. O. Bach	J. M. Hayse	T. R. Moore
Shaler Berry	H. M. Holbrook	J. L. McDavid
D. F. Brown	S. K. Holland	F. T. Nichols
F. W. Bryant	E. M. Johnson	Caleb Page
Fred H. Coots	W. W. Johnson	Smith Park
J. L. Cushing	D. C. Jones	C. W. Ryans
D. E. Edwards	Mrs. H. G. Jorris	Chas. L. Seale
Otto C. Gartin	Thos. H. King	M. G. Slusher
F. A. Gnau	W. W. Leslie	W. R. Smith
Whitsett Hall	J. L. Manning	C. D. Vincent
Lawrence Harmon	H. H. Miller	W. S. Wallen

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Those who voted in the negative were—

Wm. J. Arvin	J. O. Evans	L. P. Murphy
J. H. Baughman	D. W. Fowler	Chas. N. McCarty
Geo. A. Brown	R. E. Glenn	W. J. McGill
J. R. Buckman	Goebel B. Henson	J. J. Patterson
W. G. Buckner	H. B. Holland	Geo. W. Potter
S. J. Bunger	Ira L. Horne	W. H. Pryor
C. B. Carver	J. C. Hutcherson	H. A. Pulliam
Lee Clark	Grover C. Johnson	Clint Raymer
Lonnie Cooper	W. O. Keller	R. R. Rogers
J. D. Cox	J. R. Kelly	Philip J. Ryan
J. S. Cruse	Oscar Leibson	E. J. Snyder
C. L. Daly	Leon P. Lewis	Frank L. Strange
Mormon B. Daniel	Shelby Martin	J. G. Swearengin
J. R. Dorman	A. M. Mercer	T. B. Watts
E. J. Doss	B. T. Morris	—44

Mr. Milliken moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 3. An Act to amend and re-enact Section 3706 of the Kentucky Statutes, Carroll's 1915 Edition, and as re-written in the 1922 Edition, regulating the improvement of streets, sidewalks, sewers, water mains and public places.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3706 of the Kentucky Statutes, Carroll's 1915 edition, and as re-written in the 1922 edition, au-

thorizing and empowering the board of trustees of sixth class municipalities to order work to be done upon sidewalks, curbing, sewers, streets, avenues, highways and public places of said towns, be amended and re-enacted so that said act when amended and re-enacted shall read as follows:

§ 2. Section 3706. The board of trustees is hereby authorized and empowered to order any work they deem necessary to be done in constructing, laying and repairing sidewalks, curbing, sewers, water mains and all connections with such water mains and sewers, streets, avenues, highways and public places in said towns. The cost and expenses incurred in repairing streets, avenues, highways, water mains, sewers and public places shall be paid out of the general fund of the town. The expense incurred in making and repairing sidewalks and curbing shall be paid by the owners of the land fronting and abutting thereon if the board of trustees so order, each lot or portion of lot being separately assessed for the full value thereof in proportion to the frontage thereof to the entire length of the whole improvement, not to exceed a square sufficient to cover the total expense of the work.

The cost and expense incurred in constructing, reconstructing or laying sidewalks, curbing, strets, avenues, highways, public places, sewers, water mains and connections with sewers and water main shall be paid out of the general fund of the town, or by the owners of lands fronting and abutting thereon, as the board of trustees may in each case determine, but the local assessment therefor shall not exceed fifty per centum of the value of the ground after such improvement is made, excluding the value of buildings and other improvements upon the property so improved. Provided that an additional one dollar per foot or abutting foot may be assessed for the constructing and laying water mains as provided herein.

Whenever the board of trustees shall determine upon the construction or laying of streets, avenues, highways, sewers,

water mains and connections, at the expense of the abutting property, they shall cause the same to be done as follows:

The ordering of such improvement shall be by ordinance of the board of trustees, and the contract therefor shall be awarded to the lowest and best bidder after proper advertisement for bids.

The said board of trustees shall require the accepted bidder to execute a bond to the town, with good and sufficient surety, to be approved by said board of trustees for the faithful performance of his contract.

The original construction, laying or re-construction of any sidewalk, curbing, street, sewer, water mains and connections, avenues, highways, alleys and public places may be made at the exclusive cost of the owners of the lots and parts of lots or land fronting or abutting or bordering upon the proposed improvements be equally apportioned by the board of trustees according to the number of front feet owned by them respectively, upon the petition of the majority of the owners of lots or parts of lots or land abutting or bordering upon the proposed improvement; or the board of trustees may cause same to be done without such petition upon the vote of four members elect of said board of trustees, at a regular meeting thereof, or the board of trustees may, by a majority vote at any regular meeting thereof, without such petition, cause any such improvement to be made upon the ten-year bond plan.

When any work undertaken under the provisions of this last section, upon the ten-year bond plan, is completed in accordance with the contract, the work shall be received by the board of trustees and the said board of trustees shall order the payment for the same made to the contractor by issuing an order upon the town treasurer to pay the same in full out of the "street improvement fund."

Whenever any work done hereunder has been completed and accepted, the board of trustees shall issue the bond of the town, in sums not to exceed the cost of said improvement, and all expenses in connection therewith, including the expense

of issual and sale of said bonds, and shall sell the same to the highest bidder, after due advertisement, at a price not less than par and accrued interest.

Said bonds shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of the denomination of one hundred dollars ($100.00) or multiple thereof, not exceeding five hundred dollars ($500.00), and shall bear interest at the rate of not to exceed six per centum (6%) and shall be payable at a Kentucky bank to be designated by the board of trustees.

All money arising from the sale of bonds provided for herein shall be kept by the town treasurer in a separate fund, to be known as the "street improvement fund," and the treasurer shall pay out of said fund all orders which the board of trustees shall direct paid for any street improvement provided for herein; and shall keep all money accruing or arising under the provisions in the same manner and subject to all the regulations regarding other money of the twon, except that he will keep a separate account of the same, and credit all interest arising therefrom to the "street improvement fund," and said town treasurer shall be responsible under his official bond as town treasurer, for the money accruing and received by him hereunder, and for the faithful performance of the duties herein required of him.

The cost of any improvement made hereunder shall be assessed equally by the feet front upon the property fronting or abutting or bordering upon said improvement. All property fronting or abutting or bordering upon the said improvement belonging to the town shall be considered and assessed as property belonging to individuals, and the assessment thereon together with the costs of intersections and crossings shall be paid by the town out of the general fund, and charged to the "street improvement fund."

The assessment shall be made as soon as the improvement fund is fully completed and the sum assessed against each piece of property, and also the owner thereof, shall be placed upon the tax list of the town, and shall be payable to the town treasurer, in ten equal annual installments, with interest at the rate per annum which said bonds bear upon the unpaid portion thereof.

The first installment, together with the interest on the whole amount, at said rate, per cent per annum, shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax list, and the other installments annually thereafter, and always at the time of payment of the other town taxes, with interest at said rate on the installments not due at the time until all the installments are paid.

The assessments may be collected like other taxes, or the town may at any time, after one installment remains delinquent for thirty days, by suit in equity, enforce its lien for all the unpaid installments, with interest at said rate thereon to date of satisfaction of same and its costs expended.

The town treasurer shall not be entitled to receive any compensation whatever for his services in collecting taxes provided for herein, nor for any service performed hereunder, unless the board of trustees see proper by ordinance to make him a specific allowance therefor, which shall be done by the vote of two-thirds of the members elect of the said board of trustees.

The assessments herein provided for under the provisions hereof, together with the interest accruing thereon, shall be a lien upon the property fronting or abutting or bordering upon the street or improvement, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and costs, having precedence over all other liens, and said lien shall not be defeated or postponed by any judicial sale, or by any mis-

take in the description of the property or in the name or names of the owners thereof.

The owner of owners of lots or parts of lots, may at any time after the assessment for the street improvement is made, pay off in full the whole up to and including the next ensuing date provided for the payment of the town taxes, and the lien herein established shall be satisfied by such payment. If any owner shall divide his property so that the number of feet fronting the improvement is separated into smaller lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the town clerk, calculated by the rate of the feet front of such lot or parcel to the front of the original tract.

All money received from the assessment herein provided for shall be apportioned, upon the order of the board of trustees or upon the town treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for.

§ 3. If it shall be necessary to raise an amount of money for said "street improvement fund" which would create an indebtedness greater than the amount which could be met by the levy authorized by law, said board of trustees shall cause the question of such issue and sale of bonds to be submitted to the qualified voters of said town at an election to be held for said purpose as provided for in section 3705 of the Kentucky Statutes. If upon a canvass of the vote cast at said election, it shall appear that two-thirds of those voting on said question at said election have voted in favor of the issue and sale of said bonds, it shall be the duty of said board of trustees to pass an ordinance providing therefor.

§ 4. Owing to the fact that the improvement herein referred to has long been delayed in some of the cities of the sixth class, because of the absence of authority of the board of trustees to make said improvements, an emergency is

hereby declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. A. Gnau	H. H. Miller
W. O. Bach	Lawrence Harmon	J. S. Milliken
Shaler Berry	C. W. Hawkins	T. R. Moore
D. F. Brown	J. M. Hayse	B. T. Morris
W. G. Buckner	H. M. Holbrock	L. P. Murphy
S. J. Bunger	S. K. Holland	Chas. N. McCarty
C. B. Carver	J. C. Hutcherson	W. J. McGill
Lee Clark	E. M. Johnson	F. T. Nichols
Fred H. Coots	Grover C. Johnson	Geo. W. Potter
J. D. Cox	W. W. Johnson	Clint Raymer
J. S. Cruse	Mrs. H. G. Jorris	R. R. Rogers
W. J. Curtis	W. O. Keller	C. W. Ryans
J. L. Cushing	Thos. H. King	Chas. L. Seale
C. L. Daly	W. W. Leslie	M. G. Slusher
E. J. Doss	J. L. Manning	Frank L. Strange
J. O. Evans	Shelby Martin	J. G. Swearengin
D. W. Fowler	A. M. Mercer	W. S. Wallen
Otto C. Gartin	H. J. Meyers	T. B. Watts

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Those who voted in the negative were—

T. H. Benton	Goebel B. Henson	W. H. Pryor
D. F. Brown	Ira L. Horne	W. R. Smith
J. R. Buckman	D. C. Jones	E. J. Snyder
Mormon B. Daniel	Caleb Page	C. D. Vincent

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Resolved that the title therof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lien on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 42. An Act to amend and re-enact Sec. 1055 of the Kentucky Statutes (Carroll's 1915) providing for the record books of the judge of the quarterly court and said quarterly court; providing for the appointment of the clerk and deputies of said court, their compensation and the disposition of fees from said court, with certain provisions regarding same, applicable only to counties having a population of one hundred and fifty thousand (150,000) or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The judge of the quarterly court shall keep a record of all his official acts out of term time, and shall keep a docket, order book and execution book, in which shall be recorded, as clerks are required to do, the proceedings of the court, and shall fix a rule day for the return of executions and other process. The record books shall be paid for by the county. He may appoint a clerk of his court, who shall have power to file papers and issue all proceeses and administer the oaths: Provided, that in counties having a population of one hundred and fifty thousand or more the county judge elected at a regular election for said office shall, on the first monday in July succeeding his election, appoint for a period of four years a

clerk and two deputy clerks of the quarterly court, who shall have power to file papers and issue all processes, and for their services the clerk shall be paid at the rate of three thousand dollars per annum, and each of the deputy clerks at the rate of fifteen hundred dollars per annum, said salaries to be paid in monthly installments and by the fiscal court of the county in which said clerk and deputies are appointed, out of the county treasury from money raised for county purposes, and all fees collected from the quarterly court which heretofore have been paid to the county judge in said counties shall be paid into the treasury of the county. Said collections shall be made by the clerk, who shall settle monthly with the county judge and pay the amount found by such settlement in his hands immediately into the county treasury.

Said clerk and deputies shall, before entering upon the discharge of their duties, execute bond before the county court, with security approved by the court, to the Commonwealth of Kentucky, for the faithful performance of their duties.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Shaler Berry	F. W. Bryant
J. H. Baughman	D. F. Brown	J. R. Buckman
T. H. Benton	Geo. A. Brown	W. G. Buckner

S. J. Bunger	J. F. Harrison	Chas. N. McCarty
C. B. Carver	J. M. Hayse	J. L. McDavid
Lee Clark	Goebel B. Henson	W. J. McGill
Lonnie Cooper	H. M. Holbrook	Smith Park
Fred H. Coots	S. K. Holland	J. J. Patterson
J. D. Cox	Ira L. Horne	Jas. J. Peters
W. J. Curtis	Grover C. Johnson	Geo. W. Potter
J. G. Cushing	D. C. Jones	W. H. Pryor
C. L. Daly	Mrs. H. G. Jorris	Clint Raymer
Mormon B. Daniel	W. O. Keller	R. R. Rogers
J. R. Dorman	J. R. Kelly	Philip J. Ryan
E. J. Doss	Thos. H. King	C. W. Ryans
D. E. Edwards	Oscar Leibson	Chas. L. Seale
J. O. Evans	W. W. Leslie	M. G. Slusher
D. W. Fowler	J. L. Manning	E. J. Snyder
Otto C. Gartin	Shelby Martin	J. G. Swearengin
R. E. Glenn	A. M. Mercer	C. D. Vincent
F. A. Gnau	T. R. Moore	W. S. Wallen
Whitsett Hall	B. T. Morris	T. B. Watts
Lawrence Harmon	L. P. Murphy	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 334. An Act to amend and re-enact section 3 of Chapter 131 of the Acts of the General Assembly of 1918 entitled "An Act to regulate the admission of attorneys to practice law," and providing for qualifications of members of the Board of Bar Examiners.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of chapter 131 of the Acts of the General Assembly of 1918, be and the same is hereby amended by adding after the words, "circuit judge," in line 4 of said section, the following clause: "or be a regular practicing attorney of the State of Kentucky of not less than thirty years of age and be a graduate of a law school holding a Bachelor of Laws degree of some law school of the United States of America requiring at least three scholastic years of nine months during each year to complete a Bachelor of Laws degree," so that said section, when re-enacted as amended, shall read as follows:

"Section 3. There is hereby created a Board of Examiners on Admission to the Bar. The board shall consist of three (3) members, each of whom shall possess the qualifications of a circuit judge, or be a regular practicing attorney of the State of Kentucky of not less than thirty years of age and be a graduate of a law school holding a Bachelor of Laws degree of some law school of the United States of America requiring at least three scholastic years of nine months during each year to complete a Bechelor of Laws degree, who shall be appointed by the Court of Appeals of Kentucky, and shall hold office for the term of three (3) years and until the appointment and qualification of their successors, respectively, except that three (3) examiners first appointed shall hold office for one, two and three (1, 2 and 3) years, respectively, the said court indicating at the time of their appointment which of said examiners shall hold for each of said terms. All vacancies, however, occurring shall be filled by appointment by said court. The member of said board who is senior in point of service shall act as its chairman, except that of the members constituting the first board, the holder of the shortest term shall be its chairman."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. O. Bach	R. E. Glenn	T. R. Moore
Shaler Berry	F. A. Gnau	B. T. Morris
D. F. Brown	Whitsett Hall	L. P. Murphy
Geo. A. Brown	Lawrence Harmon	Chas. N. McCarty
J. R. Buckman	J. F. Harrison	W. J. McGill
W. G. Buckner	C. W. Hawkins	Caleb Page
S. J. Bunger	H. M. Holbrook	Smith Park
C. B. Carver	S. K. Holland	J. J. Patterson
Lee Clark	J. C. Hutcherson	Jas. J. Peters
Lonnie Cooper	E. M. Johnson	Geo. W. Potter
Fred H. Coots	Grover C. Johnson	W. H. Pryor
J. D. Cox	W. W. Johnson	R. R. Rogers
W. J. Curtis	D. C. Jones	C. W. Ryans
J. L. Cushing	Mrs. H. G. Jorris	M. G. Slusher
C. L. Daly	W. O. Keller	W. R. Smith
Mormon B. Daniel	Thos. H. King	J. G. Swearengin
E. J. Doss	Oscar Leibson	C. D. Vincent
D. E. Edwards	W. W. Leslie	W. S. Wallen
J. O. Evans	J. G. Manning	
D. W. Fowler	H. H. Miller	

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Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 319. An Act increasing and fixing the salary of District Detectives to the Commonwealth's Attorney, and Supervisor of Parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter One Hundred Seventeen of the Acts of the General Assembly of 1920 be amended by striking therefrom the words "the district detectives to the Commonwealth's Attorney" and the words "and supervisor of parents," and by substituting the word "salary" for the word "salaries" in the first line of said Act, and the word "is" for and instead of the word "are" in the fifth line of said Act, and by adding thereto, after the word "annum," the words "and that the salaries of the district detectives to the Commonwealth's Atorney and Supervisor of Parents in counties containing a population of more than two hundred thousand inhabitants be increased and fixed at 24 hundred dollars per annum," so that said Chapter when so amended and re-enacted shall read as follows:

An Act increasing and fixing the salaries of district detectives to the Commonwealth's Attorney, stenographer to the Commonwealth's Attorney, and Supervisor of Parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the salary of the stenographer to the Commonwealth's Attorney in counties containing a population of

more than two hundred thousand is increased and fixed at fifteen hundred dollars per annum, and that the salaries of the district detectives to the Commonwealth's Attorney and Supervisor of Parents in counties containing a population of more than two hundred thousand inhabitants be increased and fixed at 24 hundred dollars per annum payable out of the county levy in equal monthly installments.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third rading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	D. C. Jones
W. O. Bach	E. J. Doss	Mrs. H. G. Jorris
T. H. Benton	D. E. Edwards	W. O. Keller
Shaler Berry	J. O. Evans	J. R. Kelly
D. F. Brown	D. W. Fowler	Thos. H. King
F. W. Bryant	R. E. Glenn	Oscar Leibson
J. R. Buckman	F. A. Gnau	W. W. Leslie
W. G. Buckner	Whitsett Hall	J. L. Manning
S. J. Bunger	Lawrence Harmon	Shelby Martin
C. B. Carver	J. F. Harrison	A. M. Mercer
Lee Clark	J. M. Hayse	J. S. Milliken
Fred H. Coots	Goebel B. Henson	T. R. Moore
J. D. Cox	H. M. Holbrook	B. T. Morris
W. J. Curtis	S. K. Holland	L. P. Murphy
J. L. Cushing	Ira L. Horne	W. J. McGill
C. L. Daly	Grover C. Johnson	F. T. Nichols
Mormon B. Daniel	W. W. Johnson	Smith Park

J. J. Patterson	C. W. Ryans	C. D. Vincent	
Geo. W. Potter	M. G. Slusher	W. S. Wallen	
W. H. Pryor	W. R. Smith	T. B. Watts	
Clint Raymer	Frank L. Strange		
Philip J. Ryan	J. G. Swearengin		—64

There voted in the negative—

R. R. Rogers —1

Resolved that the title thereof be as aforesaid

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 273. An Act authorizing the County Judge in counties containing a City of the First class to appoint a Trial Commissioner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Judge of the County Court, in each county in this Commonwealth wherein is located a city of the first class, is hereby authorized to appoint a Trial Commissioner, who shall hold office at the pleasure of the Judge, and shall discharge such judicial duties as may be assigned to him by the Judge.

The Commissioner shall report his actions to the Judge for the approval or disapproval of the Judge.

The Commissioner must possess the qualifications of a Judge of the County court, and shall receive a salary to be

fixed by the Fiscal Court of the County not exceeding thirty-six hundred ($3,600) dollars per annum, and shall be paid in the same way as the County Judge is paid.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	R. E. Glenn	T. R. Moore
W. O. Bach	F. A. Gnau	B. T. Morris
T. H. Benton	Whitsett Hall	L. P. Murphy
Shaler Berry	Lawrence Harmon	Chas. N. McCarty
D. F. Brown	J. F. Harrison	J. L. McDavid
F. W. Bryant	C. W. Hawkins	W. J. McGill
J. R. Buckman	J. M. Hayse	F. T. Nichols
S. J. Bunger	Goebel B. Henson	Caleb Page
C. B. Carver	H. M. Holbrook	Smith Park
Lee Clark	S. K. Holland	J. J. Patterson
Lonnie Cooper	Ira L. Horne	Jas. J. Peters
Fred H. Coots	Grover C. Johnson	Geo. W. Potter
J. D. Cox	D. C. Jones	W. H. Pryor
W. J. Curtis	Mrs. H. G. Jorris	Clint Raymer
J. L. Cushing	W. O. Keller	Philip J. Ryan
C. L. Daly	Thos. H. King	C. W. Ryans
Mormon B. Daniel	Oscar Leibson	Frank L. Strange
J. R. Dorman	W. W. Leslie	J. G. Swearengin
E. J. Doss	J. L. Manning	C. D. Vincent
D. E. Edwards	Shelby Martin	W. S. Wallen
J. O. Evans	H. J. Meyers	T. B. Watts
D. W. Fowler	H. H. Miller	
Otto C. Gartin	J. S. Milliken	

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Those who voted in the negative were—

Geo. A. Brown R. R. Rogers —2

Resolved that the title thereof be as aforesaid.

Mr. Milliken moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 16, 1926.

The House was opened with prayer by the Reverend J. C. Pelgrim of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	J. R. Buckman	C. L. Daly
W. B. Ardery	W. G. Buckner	Mormon B. Daniel
Wm. J. Arvin	S. J. Bunger	J. R. Dorman
W. O. Bach	W. A. Carson	E. J. Doss
J. H. Baughman	C. B. Carver	James M. Durham
W. B. Belknap	Lee Clark	D. E. Edwards
T. H. Benton	Lonnie Cooper	J. O. Evans
Shaler Berry	Fred H. Coots	D. W. Fowler
C. H. Berryman	J. D. Cox	Otto C. Gartin
D. F. Brown	J. S. Cruse	R. E. Glenn
Geo. A. Brown	W. J. Curtis	F. A. Gnau
F. W. Bryant	J. L. Cushing	Whitsett Hall

Lawrence Harmon	Oscar Leibson	J. J. Patterson
J. F. Harrison	W. W. Leslie	Geo. W. Potter
C. W. Hawkins	Leon P. Lewis	W. H. Pryor
J. M. Hayse	J. L. Manning	H. A. Pulliam
Goebel B. Henson	Shelby Martin	R. R. Rogers
H. M. Holbrook	A. M. Mercer	Philip J. Ryan
H. B. Holland	H. J. Meyers	C. W. Ryans
S. K. Holland	H. H. Miller	Chas. L. Seale
Ira L. Horne	J. S. Milliken	W. R. Smith
J. C. Hutcherson	T. R. Moore	E. J. Snyder
E. M. Johnson	B. T. Morris	Frank L. Strange
Grover C. Johnson	L. P. Murphy	J. G. Swearengin
W. W. Johnson	Chas. N. McCarty	Mac Swinford
D. C. Jones	J. L. McDavid	J. L. Valandingham
Mrs. H. G. Jorris	W. J. McGill	Chiles Van Antwerp
W. O. Keller	F. T. Nichols	C. D. Vincent
J. R. Kelly	Caleb Page	W. S. Wallen
Thos. H. King	Smith Park	T. B. Watts

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 436. An Act to repeal and re-enact section 11, of chapter 114 of the Acts of 1922, being now 4114-1-11 of the Kentucky Statutes, Carroll's Edition of 1922, relating to Revenue and Taxation, and defining duties of the State Tax Commission.

H. B. 509. An Act relating to motor vehicles; providing for the repeal, amendment and re-enactment of subsection (a), (e), (g), (h) and (i) of section 2 of chapter 90 of the Acts of the General Assembly of 1920; repealing, amending and re-enacting section 17 of chapter 90 of the Acts of the General Assembly of 1920, as amended and re-enacted by

chapter 78 of the Acts of the General Assembly of 1924, and repealing existing statutes.

H. B. 442. An Act to repeal and re-enact section 4184 of Kentucky Statutes, Carroll's Edition of 1915, relating to revenue and taxation, defining duties of the Auditor of Public Accounts as to certification of franchise and tangible assessments of corporations liable to local taxation.

H. B. 518. An Act to repeal, amend and re-enact section 4051 A(10) of the Kentucky Statutes, Carroll's Edition, 1915, same being a part of Article 11 of Chapter 108, providing for the report of liens of record and assignments thereof by County Clerks.

H. B. 439. An Act to provide for the renewal of franchises of public utility companies of the cities of this Commonwealth other than cities of the first class.

H. B. 517. An Act to repeal, amend, and re-enact Section 5 of Chapter 11 of the Acts of the Extraordinary Session of the General Assembly of 1917, and approved May 2, 1917, as amended and re-enacted by section 4 of an Act constituting Chapter 116 of the Acts of the General Assembly of Kentucky for 1924, which Act was approved March 4, 1924, requiring the filing of reports of assignments or transfers of mortgages.

H. B. 431. An Act to repeal and re-enact Sections 4458, 4459, 4460, 4461 and 4462, Kentucky Statutes, Edition 1922, relating to the assessment and collection of taxes by subdivisions for school purposes and providing methods of levying taxes and collecting same.

H. B. 59. An Act to amend and re-enact Sections 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f-7, 3037f-8, 3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f-14 and

3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers, providing for the appointment of a board of examiners and inspectors. setting out the duties and salary of said board and inspectors, relating to the supervision and inspection of plumbing and drainage in cities of the first class, making it apply to cities of the second class as well as cities of the first class.

H. B. 68. An Act relating to municipal bonds in municipalities of the fourth (4), fifth (5) and sixth (6) class municipalities, and providing for their maintenance.

H. B. 61. An Act to amend and re-enact Section 3142b-3 of the Edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

H. B. 390. An Act amending Section 4399a-9, Carroll's Edition, Kentucky Statutes, relating to the settlement of the treasurer of the county board of education.

H. B. 357. An Act relating to the construction of streets, alleys, public ways, sewers, or other public improvements in cities of the third class and providing that such cities may issue improvement warrants to contractors as the work progresses, etc.

H. B. 101. An Act to amend and re-enact Section 5 of an Act entitled: "An Act to provide for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons affected with tuberculosis" approved March 17, 1906, as amended by an Act approved March 14, 1912.

With the following Senate Amendment thereto by way of substitute therefor, viz.:

An Act to authorize, empower and direct Fiscal courts of counties having therein a city, or cities, of the first or second class, and the general council or board of commissioners of cities of the first and second classes to levy a tax to meet the expenses necessary for the establishment and maintenance of a tuberculosis hospital or district tuberculosis sanatorium in such county, and repealing all laws, or parts of laws, in conflict herewith, to the extent of such conflict.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That for the purpose of meeting the expenses necessary for the establishment and maintenance in counties which contain a city of the first class of a hospital for the treatment of persons afflicted with tuberculosis, and for the purpose of meeting the expenses necessary for the establishment and maintenance of a District Tuberculosis Sanatorium in counties which contain a city, or cities of the second class, the fiscal court of the county in which a board of tuberculosis hospital, created by Sec. 3037c-1 of the Kentucky Statutes, Carroll's 1915 Edition, of a district board of the sanatorium trustees, created under sections 2061a-1 to 2061a-29 of the Kentucky Statutes, Carroll's 1918 Supplement, shall exist, or is hereafter organized, is authorized, empowered and directed to levy a tax not to exceed six cents and not less than three cents on each hundred dollars of taxable property in such county, and the general council or board of Commissioners of the city of the first or second class, as the case may be, in which such board or district board of tuberculosis sanatorium trustees shall exist, or is hereafter organized, is authorized, empowered and directed to levy a tax not to exceed eight cents and not less than six cents on each one hundred dollars of taxable property in such city, and the sums derived from said taxation shall be paid over to said board or district board of tuberculosis trustees in such county for the purposes herein set forth.

In the event the sums derived from said levies of the fiscal court and general council or board of commissioners shall in any year exceed the amount of expenses necessary for the establishment and maintenance of any such hospital or sanatorium in any county for said year, to the extent of said excess there shall be a reduction for the succeeding year in the tax levy of the general council or board of commissioners of the city and the fiscal court of the county in which such board shall exist, in the proportion that the tax levy of the general council or board of commissioners for the preceding year bore to the tax levy of the fiscal court for the same year.

Section 2. That all laws, or parts of laws, in conflict herewith, be, and the same hereby are to the extent of such conflict, hereby repealed.

Said substitute was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lonnie Cooper	F. A. Gnau
W. B. Ardery	Fred H. Coots	Whitsett Hall
Wm. J. Arvin	J. D. Cox	Lawrence Harmon
W. O. Bach	J. S. Cruse	J. F. Harrison
J. H. Baughman	W. J. Curtis	C. W. Hawkins
Shaler Berry	J. L. Cushing	J. M. Hayse
C. H. Berryman	C. L. Daly	Goebel B. Henson
D. F. Brown	Mormon B. Daniel	H. M. Holbrook
Geo. A. Brown	E. J. Doss	H. B. Holland
F. W. Bryant	D. E. Edwards	S. K. Holland
W. G. Buckner	J. O. Evans	Ira L. Horne
S. J. Bunger	D. W. Fowler	J. C. Hutcherson
W. A. Carson	Otto C. Gartin	E. M. Johnson
C. B. Carver	R. E. Glenn	Grover C. Johnson

W. W. Johnson	T. R. Moore	C. W. Ryans
D. C. Jones	B. T. Morris	Chas. L. Seale
Mrs. H. G. Jorris	L. P. Murphy	M. G. Slusher
W. O. Keller	Chas. N. McCarty	W. R. Smith
J. R. Kelly	W. J. McGill	E. J. Snyder
Thos. H. King	F. T. Nichols	Frank L. Strange
Oscar Leibson	Caleb Page	J. G. Swearengin
W. W. Leslie	Smith Park	Mac Swinford
Leon P. Lewis	J. J. Patterson	J. L. Valandingham
J. L. Manning	Geo. W. Potter	Chiles Van Antwerp
Shelby Martin	W. H. Pryor	C. D. Vincent
H. J. Meyers	Clint Raymer	W. S. Wallen
H. H. Miller	R. R. Rogers	T. B. Watts

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Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 447. An Act to amend Sections 1 and 4 of Chapter 43 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge in certain counties, being sections 1061a-1 and 1061a-4, Carroll's Kentucky Statutes, 1922 Edition.

With the following Senate Amendment thereto, viz.:

Amend H. B. 447 by striking out the word "shall" in line 4, section 1 of the printed bill and inserting in lieu thereof the word "may" and by striking out the word "shall" from line 6, section 4 of the printed bill and inserting in lieu thereof the word "may," and inserting in line 8 section 4, after the word "installments" in the printed bill the words "provided, however, said stenographer shall not be appointed except when authorized by the fiscal court of the county."

Amend H. B. 447 by adding the words "or clerk" after the word "stenographer" in lines 3 and 4 of section 1, and line 1 of section 6.

Amend H. B. 447 in Senate by striking out the words "County Judge" in line 7, page 2 of the printed bill and in lieu thereof inserting the words "Fiscal Court."

Amend H. B. 447 in Senate by adding after the word "third" and before the word "class" in line 5 in section 1 and in line 3 of same paragraph marked No. 1 on page 1 of the printed bill the words "or fourth."

Said Amendments were concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lee Clark	F. A. Gnau
W. B. Ardery	Lonnie Cooper	Whitsett Hall
Wm. J. Arvin	Fred H. Coots	Lawrence Harmon
W. O. Bach	J. D. Cox	C. W. Hawkins
J. H. Baughman	J. S. Cruse	J. M. Hayse
W. B. Belknap	W. J. Curtis	Goebel B. Henson
T. H. Benton	J. L. Cushing	H. M. Holbrook
Shaler Berry	C. L. Daly	H. B. Holland
C. H. Berryman	Mormon B. Daniel	S. K. Holland
D. F. Brown	J. R. Dorman	Ira L. Horne
Geo. A. Brown	E. J. Doss	J. C. Hutcherson
F. W. Bryant	James M. Durham	E. M. Johnson
J. R. Buckman	D. E. Edwards	Grover C. Johnson
W. G. Buckner	J. O. Evans	W. W. Johnson
S. J. Bunger	D. W. Fowler	D. C. Jones
W. A. Carson	Otto C. Gartin	W. O. Keller
C. B. Carver	R. E. Glenn	J. R. Kelly

Thos. H. King	B. T. Morris	M. G. Slusher
Oscar Leibson	Chas. N. McCarty	W. R. Smith
W. W. Leslie	J. L. McDavid	E. J. Snyder
Leon P. Lewis	F. T. Nichols	Frank L. Strange
J. L. Manning	Caleb Page	J. G. Swearengin
Shelby Martin	Smith Park	Mac Swinford
A. M. Mercer	J. J. Patterson	J. L. Valandingham
H. J. Meyers	W. H. Pryor	Chiles Van Antwerp
H. H. Miller	R. R. Rogers	W. S. Wallen
T. R. Moore	C. W. Ryans	T. B. Watts

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There voted in the negative—

L. P. Murphy

—1

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 16. An Act to repeal and re-enact Chapter 8 of the Acts of the General Assembly of 1914, being Section 1213a Kentucky Statutes, 1922 Edition, and being entitled "An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys and fixing the penalties for violation of same, known as the cold check law.

With the following Senate Amendment thereto, viz.:

Amend H. B. 16 by striking out line 42 on page 2, lines 44, 45 and 46 on page 3.

Amend H. B. 16 by inserting after the word "delivered" and before the period in line 26 on page 2 of the printed bill the following:

"Provided no indictment or prosecution shall be made under the provisions of this act within twenty days after the date of such check, draft or order."

Said amendment was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	A. M. Mercer
Wm. J. Arvin	Otto C. Gartin	H. J. Meyers
W. O. Bach	R. E. Glenn	H. H. Miller
T. H. Benton	F. A. Gnau	T. R. Moore
Shaler Berry	Whitsett Hall	B. T. Morris
C. H. Berryman	Lawrence Harmon	L. P. Murphy
D. F. Brown	J. F. Harrison	Chas. N. McCarty
Geo. A. Brown	J. M. Hayse	J. L. McDavid
F. W. Bryant	Goebel B. Henson	W. J. McGill
J. R. Buckman	H. M. Holbrook	F. T. Nichols
W. G. Buckner	H. B. Holland	Caleb Page
S. J. Bunger	S. K. Holland	Smith Park
W. A. Carson	Ira L. Horne	J. J. Patterson
C. B. Carver	J. C. Hutcherson	Geo. W. Potter
Lee Clark	E. M. Johnson	W. H. Pryor
Lonnie Cooper	Grover C. Johnson	R. R. Rogers
Fred H. Coots	W. W. Johnson	W. R. Smith
J. D. Cox	D. C. Jones	E. J. Snyder
W. J. Curtis	Mrs. H. G. Jorris	Frank L. Strange
J. L. Cushing	W. O. Keller	J. G. Swearengin
C. L. Daly	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
E. J. Doss	Oscar Leibson	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts
D. E. Edwards	J. L. Manning	
J. O. Evans	Shelby Martin	

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Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 145. An Act making an appropriation of $5,000.00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Bourbon Stock Yards Fat Stock show Association of Louisville, Kentucky, to meet the premium expenses thereof for the fiscal years ending June 30, 1927, and June 30, 1928.

With the following Senate amendment thereto, viz.:

That the following be stricken from Section 1 of said bill, to-wit: "Bourbon Stock Yards Fat Stock Association of Louisville, Kentucky," said words being in lines 2 and 3 of the said printed House Bill 145; the word "association" in the fourth line of said printed bill; also all of said section beginning with the word "provided" in line 8 of said printed bill down to and including the word "payable" in line 13 of said section of said bill, to-wit: "provided, however, that before the Auditor of state shall issue any warrant for the payment of said funds there shall be placed on file in his office an itemized statement under the certificate of said association, showing the total receipts and disbursements connected with the holding of said association's exposition for the preceding year under which this appropriation is made payable." And substituting and inserting in lieu thereof the following, so that section 1 of said House Bill No. 145 when amended shall read as follows: to-wit:

"Section 1. That the following sums are hereby appropriated out of any money in the State Treasury not otherwise appropriated to the Kentucky State Fair to be used in the payment of such premiums as may be offered by said State Fair in holding annual live stock shows at the Bourbon Stock

Yards, Louisville, Kentucky, at such times as the state board of agriculture shall decide upon holding said exhibit, to-wit: Five thousand dollars for the fiscal year ending June 30, 1927 and five thousand dollars for the fiscal year ending June 30, 1928; said appropriation to be used for the purpose of promoting live stock contests in boys' and girls' club work in the Commonwealth of Kentucky. The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury of Kentucky for said sum for each of said fiscal years upon the requisition of the chairman of said board. Any part of said sums unexpended during any fiscal years shall be refunded by said chairman of said board to the Treasury of Kentucky. It shall be the duty of said chairman to file a written report annually with the Auditor of Kentucky showing how said sums have been expended, to whom same were paid, accompanied by vouchers showing each item."

That said bill be further amended by striking therefrom the whole of Section 2 thereof and inserting in lieu of said Section 2 the following:

"All acts, parts of acts or laws in conflict herewith are hereby repealed."

Amend the title to said bill, so that it shall read as follows:

"An Act to appropriate $5,000.00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Kentucky State Fair for the purpose of meeting premium expenses of the said State Fair in promoting live stock contests for boys' and girls' club work in this Commonwealth, and providing for reports to the Auditor.

Said amendments were concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
J. H. Baughman
W. B. Belknap
T. H. Benton
Shaler Berry
C. H. Berryman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
C. L. Daly
Mormon B. Daniel
E. J. Doss
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
J. M. Hayse
H. M. Holbrook
H. B. Holland
H. B. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
J. J. Patterson
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
R. R. Rogers
C. W. Ryans
Chas. L. Seale
W. R. Smith
E. J. Snyder
Frank L. Strange
J. G. Swearengin
Mac Swinford
Chiles Van Antwerp
W. S. Wallen
T. B. Watts

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Those who voted in the negative were—

Goebel B. Henson
Clint Raymer

—2

H. B. 267. An Act relating to revenue and taxation, providing for corporation license tax for certain corporations.

providing the manner of making reports and of determining the amount of tax and the manner of paying same, prescribing penalties and repealing existing statutes.

With the following Senate amendment thereto, viz.:

Amend H. B. 267 by striking from Section 8, line 2, the word "fifteen" and substitute therefor the word "ten."

Said amendment was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	H. J. Meyers
Wm. J. Arvin	J. O. Evans	H. H. Miller
W. O. Bach	D. W. Fowler	J. S. Milliken
W. B. Belknap	R. E. Glenn	B. T. Morris
Shaler Berry	F. A. Gnau	L. P. Murphy
C. H. Berryman	Whitsett Hall	J. L. McDavid
D. F. Brown	Lawrence Harmon	W. J. McGill
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	J. M. Hayse	Smith Park
J. R. Buckman	S. K. Holland	J. J. Patterson
W. G. Buckner	H. M. Holbrook	Geo. W. Potter
S. J. Bunger	Ira L. Horne	W. H. Pryor
C. B. Carver	J. C. Hutcherson	H. A. Pulliam
Lonnie Cooper	E. M. Johnson	C. W. Ryans
Fred H. Coots	Grover C. Johnson	Chas. L. Seale
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	Frank L. Strange
J. L. Cushing	J. R. Kelly	J. G. Swearengin
C. L. Daly	Thos. H. King	J. L. Valandingham
Mormon B. Daniel	Oscar Leibson	C. D. Vincent
J. R. Dorman	J. L. Manning	W. S. Wallen
E. J. Doss	Shelby Martin	T. B. Watts
James M. Durham	A. M. Mercer	—71

Mr. Wallen moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that all of said House Bills be delivered to the Enrolling Clerk of this House.

Mr. Wallen moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Wallen moved that when the hour of twelve o'clock Meridian arrives today that the House do then adjourn until one o'clock P. M.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar bills of the following titles, viz.:

S. B. 314. An Act entitled an Act providing for the protection of cemeteries, graveyards, and burial grounds and providing penalty for violation of same.

S. B. 207. An Act to repeal and re-enact Section 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth, etc.

S. B. 206. An Act to repeal and re-enact Section 2289 of the Kentucky Statutes, 1915 Edition, relating to certain duties

of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

S. B. 350. An Act to amend Section 165a-1 Kentucky Statutes Carroll's Edition of 1922, relating to Banking Departments.

S. B. 276. An Act making an appropriation for the purchase of fifteen acres of land adjoining the burial place of President Zachary Taylor in Jefferson County, Kentucky.

S. B. 356. An Act to amend and re-enact Section 824, Kentucky Statutes, dividing the State into three districts for the purpose of electing railroad commissioners.

S. B. 11. An Act to amend Section 1, Chapter 61 of the Acts of the General Assembly of Kentucky, 1920.

S. B. 368. An Act to amend, revise and re-enact Section 1218 of the Kentucky Statutes, relating to sodomy and buggery.

S. B. 218. An Act amending and re-enacting Section 2982 Kentucky Statutes.

S. B. 402. An Act relating to the compensation of county school superintendents in this Commonwealth and fixing the minimum salary of the county school superintendents.

S. B. 327. An Act for the benefit of Minnie Gruelle, whose husband G. C. Gruelle, lost his life while engaged in the performance of a public service, etc.

S. B. 227. An Act to repeal and re-enact Section 3104 of Carroll's Kentucky Statutes, 1915 Edition, relating to the net revenue derived by any city of the second class from its waterworks.

S. B. 386. An Act to provide that coverture shall not prevent the operation of the statute of limitation.

S. Res. 37. Providing for a committee to be appointed to investigate loan companies in cities of the first and second class and make a recommendation back to the next General Assembly.

S. Res. 31. For the purpose of validating certain state warrants alleged to be invalid issued to contractors for road construction, etc.

S. Res. 33. Providing for furnishing Kentucky directories.

S. Res. 14. Providing for the appointment of a commission to arrange for the suitable and proper participation of Kentucky in two hundredth anniversary of George Washington.

S. Res. 20. That the golden rod be adopted as the official state flower.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the orders of the day.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 7. An Act to amend Chapter 260 of Acts of General Assembly of the Commonwealth of Kentucky of the 1924 session, which act relates to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the Generaly Assembly of the Commonwealth of Kentucky:

That Chapter 260 of the Acts of 1924 session of the General Assembly of the Commonwealth of Kentucky, which relates to roads and highways, be amended and re-enacted so that said act so amended shall read as follows:

§ 1. That there be and now is established as a part of the primary system of roads and highways project 109 to be as follows:

From Booneville in Owsley county, by way of Buckhorn, to Chavies, to Krypton and to Hazard. Said project when thus established to be added to the project established by Chapter 17 of the Acts of 1920, and to be known as the Murdock Trail.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	D. F. Brown
Wm. J. Arvin	Shaler Berry	Geo. A. Brown
W. O. Bach	C. H. Berryman	F. W. Bryant
J. H. Baughman	W. P. Bowman	J. R. Buckman

W. G. Buckner	J. F. Harrison	H. H. Miller
S. J. Bunger	C. W. Hawkins	J. S. Milliken
W. A. Carson	J. M. Hayse	T. R. Moore
C. B. Carver	Goebel B. Henson	B. T. Morris
Lee Clark	H. M. Holbrook	L. P. Murphy
Lonnie Cooper	H. B. Holland	Chas. N. McCarty
Fred H. Coots	S. K. Holland	J. L. McDavid
J. D. Cox	Ira L. Horne	W. J. McGill
J. S. Cruse	J. C. Hutcherson	F. T. Nichols
W. J. Curtis	E. M. Johnson	Smith Park
J. L. Cushing	Grover C. Johnson	Jas. J. Peters
Mormon B. Daniel	W. W. Johnson	W. H. Pryor
J. R. Dorman	Mrs. H. G. Jorris	C. W. Ryans
E. J. Doss	W. O. Keller	Chas. L. Seale
James M. Durham	J. R. Kelly	M. G. Slusher
D. E. Edwards	Thos. H. King	W. R. Smith
J. O. Evans	Oscar Leibson	E. J. Snyder
D. W. Fowler	W. W. Leslie	J. G. Swearengin
Otto C. Gartin	Leon P. Lewis	Mac Swinford
R. E. Glenn	J. L. Manning	J. L. Valandingham
F. A. Gnau	Shelby Martin	C. D. Vincent
Whitsett Hall	A. M. Mercer	W. S. Wallen
Lawrence Harmon	H. J. Meyers	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

—1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day a bill entitled:

S. B. 27. An act relating to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as a part of the primary road system of the Commonwealth of Kentucky the following to be designated as project No. ....., from Jackson to Salyersville, as follows:

Beginning at Quicksand at the point of intersection with project No. 4; with Quicksand Creek; thence up main Quicksand Creek to the mouth of Big Caney Creek and up Big Caney Creek to the mouth of Little Caney Creek; and up Little Caney Creek to the Magoffin county line; thence to Hendricks, following the old road to Salyersville.

Second. Said project thus establsihed to be a part of the primary system of roads and be entitled to all the benefits and subject to all laws now or hereafter in force with relation to same, and to be added to the projects established by Chapter 17 of Acts of 1920 as amended.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Marmon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

—1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 31. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which act relates to roads and bridges, and which section of said act is now Section 4356t-5 of Carroll Kentucky Statutes, edition of 1922, by establishing the road from Columbia, Kentucky, by way of the bridge over Green river near Eunice, Kentucky, by way of Pellyton, Kentucky, and by the way of the bridge over Green river just above Dunnville, Kentucky, as a part of the primary system of roads in the state of Kentucky, and including in and adding said road to said section, as a project in said primary system.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, and which section of said act is now designated as Section 4356t-5 of Carroll's Kentucky Statutes, edition of 1922, be amended by including in and adding to said section, as a project in the primary system of roads in the State of Kentucky, the road from Columbia, the county seat of Adair county, by way of the bridge over Green river near Eunice, Kentucky, by way of Pellyton, Kentucky, and by the way of the bridge over Green river just above Dunnville, Kentucky, to Liberty, Kentucky, the county seat of Casey county, and said road is now established as one of the primar roads provided for by said section of said act, and shall be designated as project No. .....

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 65. An Act adding Project 40½ to the primary system of state highways, as established by Act of the General Assembly, 1920.

Whereas, the people of Cumberland and Monroe counties, in the fertile river section of these two counties, are demanding and petitioning for a road to the outside world, and

Whereas, based on the original proposition of an inter-county seat road system in Kentucky, the hereinafter project, when built, will connect the county seats of two adjoining counties in Kentucky, and extend to the state line towards the county seat of an adjoining county in the state of Tennessee, and

Whereas, the citizens of the northern end of Clay county in Tennessee are demanding and petitioning that we meet them at the state line with our inter-county seat system, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Propect No. 40½ be added to the primary system of state highways, established by Act of 1920, Chapter 17, said

project starting, traversing and being as follows, to-wit: "From Burkesville to Arat, via Leslie. This project to have a western and southern prong from Arat with the western prong terminating at Tompkinsville, county seat of Monroe county, via Collins Branch, Mudcamp, Meshack. The southern prong leading from Arat to a point in the Kentucky-Tennessee state line, nearest Celina, county seat of Clay county, Tennessee, via Cary's ferry, Judio, Black's Ferry and Martinsburg."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lee Clark	F. A. Gnau
Wm. J. Arvin	Lonnie Cooper	Whitsett Hall
W. O. Bach	Fred H. Coots	Lawrence Harmon
J. H. Baughman	J. D. Cox	J. F. Harrison
T. H. Benton	J. S. Cruse	C. W. Hawkins
Shaler Berry	W. J. Curtis	J. M. Hayse
C. H. Berryman	J. L. Cushing	Goebel B. Henson
W. P. Bowman	Mormon B. Daniel	H. M. Holbrook
D. F. Brown	J. R. Dorman	H. B. Holland
Geo. A. Brown	E. J. Doss	S. K. Holland
F. W. Bryant	James M. Durham	Ira L. Horne
J. R. Buckman	D. E. Edwards	J. C. Hutcherson
W. G. Buckner	J. O. Evans	E. M. Johnson
S. J. Bunger	D. W. Fowler	Grover C. Johnson
W. A. Carson	Otto C. Gartin	W. W. Johnson
C. B. Carver	R. E. Glenn	Mrs. H. G. Jorris

W. O. Keller	J. S. Milliken	C. W. Ryans
J. R. Kelly	T. R. Moore	Chas. L. Seale
Thos. H. King	B. T. Morris	M. G. Slusher
Oscar Leibson	L. P. Murphy	W. R. Smith
W. W. Leslie	Chas. N. McCarty	E. J. Snyder
Leon P. Lewis	J. L. McDavid	J. G. Swearengin
J. L. Manning	W. J. McGill	Mac Swinford
Shelby Martin	F. T. Nichols	J. L. Valandingham
A. M. Mercer	Smith Park	C. D. Vincent
H. J. Meyers	Jas. J. Peters	W. S. Wallen
H. H. Miller	W. H. Pryor	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

—1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 70. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, and by adding thereto, as Project No. 299d, extending from Gatliff, Whitley county, Kentucky, and from Capito, Bell county, Kentucky, to Black Snake, Bell county, Kentucky, by way of Chenoa, Bell county, Ky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky of 1920 be amended by adding thereto as part of the primary system of roads and highways in this state as follows:

Project No. 299d, from Gatliff, Whitley county, Kentucky by way of Fonde and Sutty, to Chenoa, Bell county, Kentucky and from Capito, on the Middlesboro-Fonde state road to Chenoa, Bell county, Kentucky, and from Chenoa, by way of Clear Creek Mountain Springs to the Pineville-Middlesboro state road, then along said Pineville-Middlesboro state road to the point where the Colmar road intersects said Pineville-Middlesboro state road, thence along the Colmar road and its extension down along Yellow Creek to a point on the Pineville-Harlan state road to the mouth of Brownie's Creek, thence along Brownie's Creek to Black Snake, by way of Cubbage, Bell county, Kentucky.

Said road shall receive and be entitled to all the benefits allowed and provided for in Chapter 17 of the said Acts of 1920.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	D. F. Brown
Wm. J. Arvin	Shaler Berry	Geo. A. Brown
W. O. Bach	C. H. Berryman	F. W. Bryant
J. H. Baughman	W. P. Bowman	J. R. Buckman

W. G. Buckner	J. F. Harrison	H. H. Miller
S. J. Bunger	C. W. Hawkins	J. S. Milliken
W. A. Carson	J. M. Hayse	T. R. Moore
C. B. Carver	Goebel B. Henson	B. T. Morris
Lee Clark	H. M. Holbrook	L. P. Murphy
Lonnie Cooper	H. B. Holland	Chas. N. McCarty
Fred H. Coots	S. K. Holland	J. L. McDavid
J. D. Cox	Ira L. Horne	W. J. McGill
J. S. Cruse	J. C. Hutcherson	F. T. Nichols
W. J. Curtis	E. M. Johnson	Smith Park
J. L. Cushing	Grover C. Johnson	Jas. J. Peters
Mormon B. Daniel	W. W. Johnson	W. H. Pryor
J. R. Dorman	Mrs. H. G. Jorris	C. W. Ryans
E. J. Doss	W. O. Keller	Chas. L. Seale
James M. Durham	J. R. Kelly	M. G. Slusher
D. E. Edwards	Thos. H. King	W. R. Smith
J. O. Evans	Oscar Leibson	E. J. Snyder
D. W. Fowler	W. W. Leslie	J. G. Swearengin
Otto C. Gartin	Leon P. Lewis	Mac Swinford
R. E. Glenn	J. L. Manning	J. L. Valandingham
F. A. Gnau	Shelby Martin	C. D. Vincent
Whitsett Hall	A. M. Mercer	W. S. Wallen
Lawrence Harmon	H. J. Meyers	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 74. An Act adding additional road project to the present state primary system of roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There shall be added to the present primary system of state highways as adopted in 1920 and amended in 1922 and 1924, the following road project: From London, Laurel county, Kentucky, via Boreing, Fletcher, Tuttle, Knox Fork to Bailey's Switch in Knox county, Kentucky. Same being a part of the original route traveled by Daniel Boone in his journey from North Carolina through Eastern Kentucky to Boonesboro, Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	S. J. Bunger	J. R. Dorman
Wm. J. Arvin	F. W. Bryant	E. J. Doss
W. O. Bach	W. A. Carson	James M. Durham
J. H. Baughman	C. B. Carver	D. E. Edwards
T. H. Benton	Lee Clark	J. O. Evans
Shaler Berry	Lonnie Cooper	D. W. Fowler
C. H. Berryman	Fred H. Coots	Otto C. Gartin
W. P. Bowman	J. D. Cox	R. E. Glenn
D. F. Brown	J. S. Cruse	F. A. Gnau
Geo. A. Brown	W. J. Curtis	Whitsett Hall
J. R. Buckman	J. L. Cushing	Lawrence Harmon
W. G. Buckner	Mormon B. Daniel	J. F. Harrison

C. W. Hawkins	Oscar Leibson	F. T. Nichols
J. M. Hayse	W. W. Leslie	Smith Park
Goebel B. Henson	Leon P. Lewis	Jas. J. Peters
H. M. Holbrook	J. L. Manning	W. H. Pryor
H. B. Holland	Shelby Martin	C. W. Ryans
S. K. Holland	A. M. Mercer	Chas. L. Seale
Ira L. Horne	H. J. Meyers	M. G. Slusher
J. C. Hutcherson	H. H. Miller	W. R. Smith
E. M. Johnson	J. S. Milliken	E. J. Snyder
Grover C. Johnson	T. R. Moore	J. G. Swearengin
W. W. Johnson	B. J. Morris	Mac Swinford
Mrs. H. G. Jorris	L. P. Murphy	J. L. Valandingham
W. O. Keller	Chas. N. McCarty	C. D. Vincent
J. R. Kelly	J. L. McDavid	W. S. Wallen
Thos. H. King	W. J. McGill	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

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Resolved that the title thereof be as aforesaid:

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 99. An Act establishing as a part of the primary system of state highways a road from Brownsville, Edmonson county, via Rhoda, to the Dixie Highway, intersecting with said highway at the farm of Fred Moore.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky, the following, to-wit:

From Brownsville, Edmonson county, via Rhoda to the Dixie Highway, intersecting with said highway at the farm of Fred Moore.

§ 2. That said project hereby established shall be known as project number ..... of the primary system of state highways, and the said project shall recieve and be entitled to all the benefits allowed and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	J. L. Cushing
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
J. H. Baughman	W. A. Carson	E. J. Doss
T. H. Benton	C. B. Carver	James M. Durham
Shaler Berry	Lee Clark	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	Fred H. Coots	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau

Whitsett Hall	J. R. Kelly	W. J. McGill
Lawrence Harmon	Thos. H. King	F. T. Nichols
J. F. Harrison	Oscar Leibson	Smith Park
C. W. Hawkins	W. W. Leslie	Jas. J. Peters
J. M. Hayse	Leon P. Lewis	W. H. Pryor
Goebel B. Henson	J. L. Manning	C. W. Ryans
H. M. Holbrook	Shelby Martin	Chas. L. Seale
H. B. Holland	A. M. Mercer	M. G. Slusher
S. K. Holland	H. J. Meyers	W. R. Smith
Ira L. Horne	H. H. Miller	E. J. Snyder
J. C. Hutcherson	J. S. Milliken	J. G. Swearengin
E. M. Johnson	T. R. Moore	Mac Swinford
Grover C. Johnson	B. T. Morris	J. L. Valandingham
W. W. Johnson	L. P. Murphy	C. D. Vincent
Mrs. H. G. Jorris	Chas. N. McCarty	W. S. Wallen
W. O. Keller	J. L. McDavid	T. B. Watts

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There voted in the negative—

H. A. Pulliam

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 101. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1920, by adding thereto road project ....., extending from Wells Station on the Ohio and Kentucky Railroad in Morgan county, Kentucky, to a

point intersecting Project number 28 near White Oak, Morgan county, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the General Assembly of Kentucky for the year 1920 as amended, be further amended by adding thereto road project number ....., extending from Wells Station on the Ohio and Kentucky Railroad in Morgan county, Kentucky, to a point intersecting Project number 28 near White Oak, Morgan county, Kentucky.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920, establishing and creating the primary road system of the state of Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. H. Berryman	W. G. Buckner
Wm. J. Arvin	W. P. Bowman	S. J. Bunger
W. O. Bach	D. F. Brown	W. A. Carson
J. H. Baughman	Geo. A. Brown	C. B. Carver
T. H. Benton	F. W. Bryant	Lee Clark
Shaler Berry	J. R. Buckman	Lonnie Cooper

Fred H. Coots	H. M. Holbrook	T. R. Moore
J. D. Cox	H. B. Holland	B. T. Morris
J. S. Cruse	S. K. Holland	L. P. Murphy
W. J. Curtis	Ira L. Horne	Chas. N. McCarty
J. L. Cushing	J. C. Hutcherson	J. L. McDavid
Mormon B. Daniel	E. M. Johnson	W. J. McGill
J. R. Dorman	Grover C. Johnson	F. T. Nichols
E. J. Doss	W. W. Johnson	Smith Park
James M. Durham	Mrs. H. G. Jorris	Jas. J. Peters
D. E. Edwards	W. O. Keller	W. H. Pryor
J. O. Evans	J. R. Kelly	C. W. Ryans
D. W. Fowler	Thos. H. King	Chas. L. Seale
Otto C. Gartin	Oscar Leibson	M. G. Slusher
R. E. Glenn	W. W. Leslie	W. R. Smith
F. A. Gnau	Leon P. Lewis	E. J. Snyder
Whitsett Hall	J. L. Manning	J. G. Swearengin
Lawrence Harmon	Shelby Martin	Mac Swinford
J. F. Harrison	A. M. Mercer	J. L. Valandingham
C. W. Hawkins	H. J. Meyers	C. D. Vincent
J. M. Hayse	H. H. Miller	W. S. Wallen
Goebel B. Henson	J. S. Milliken	T. B. Watts

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Resolved that the title thereof be as aforesaid.

There voted in the negative—

H. A. Pulliam

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Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 103. An Act to add to the primary system of public highways, a road leading from Hyden, in Leslie county, to

Buckhorn, in Perry county, and known as Hell-For-Certain Trail.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established and added to and made a part of the primary system of public highways of this Commonwealth, the Hell-For-Certain Trail, to begin at Hyden, in Leslie county and lead to Buckhorn, in Perry county, Kentucky. Said trail to be known as the connecting Project number ..... and Project number 109.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	J. R. Dorman
Wm. J. Arvin	S. J. Bunger	E. J. Doss
W. O. Bach	W. A. Carson	James M. Durham
J. H. Baughman	C. B. Carver	D. E. Edwards
T. H. Benton	Lee Clark	J. O. Evans
Shaler Berry	Lonnie Cooper	D. W. Fowler
C. H. Berryman	Fred H. Coots	Otto C. Gartin
W. P. Bowman	J. D. Cox	R. E. Glenn
D. F. Brown	J. S. Cruse	F. A. Gnau
Geo. A. Brown	W. J. Curtis	Whitsett Hall
F. W. Bryant	J. L. Cushing	Lawrence Harmon
J. R. Buckman	Mormon B. Daniel	J. F. Harrison

C. W. Hawkins	Oscar Leibson	F. T. Nichols
J. M. Hayse	W. W. Leslie	Smith Park
Goebel B. Henson	Leon P. Lewis	Jas. J. Peters
H. M. Holbrook	J. L. Manning	W. H. Pryor
H. B. Holland	Shelby Martin	C. W. Ryans
S. K. Holland	A. M. Mercer	Chas. L. Seale
Ira L. Horne	H. J. Meyers	M. G. Slusher
J. C. Hutcherson	H. H. Miller	W. R. Smith
E. M. Johnson	J. S. Milliken	E. J. Snyder
Grover C. Johnson	T. R. Moore	J. G. Swearengin
W. W. Johnson	B. T. Morris	Mac Swinford
Mrs. H. G. Jorris	L. P. Murphy	J. L. Valandingham
W. O. Keller	Chas. N. McCarty	C. D. Vincent
J. R. Kelly	J. L. McDavid	W. S. Wallen
Thos. H. King	W. J. McGill	T. B. Watts

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There voted in the negative:

H. A. Pulliam

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 122. An Act to repeal and re-enact Chapter 277, Acts General Assembly 1924, being an act entitled "An act to amend and re-enact Section 9, Chapter 17 of the Acts of 1920, relating to roads and highways by adding to said section the town of Williamsburg, as a construction center," by including Fullerton in said named construction centers

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 277, Acts of the General Assembly of 1924, relating to construction centers, be and the same is hereby repealed, and that same be and is hereby re-enacted and when thus re-enacted shall read as follows, to-wit:

The following cities and towns in the State are hereby declared centers of construction in the primary system of State highways heretofore laid out and designated, viz.: Ashland, Bardstown, Beattyville, Bowling Green, Danville, Fenton, Covington, Clinton, Cynthiana, Lancaster, Frankfort, Glasgow, Harlan, Hazard, Guthrie, Hopkinsville, Lexington, London, Louisville, Madisonville, Maysville, Morehead, Owensboro, Pikeville, Pineville, Paducah, Leitchfield, Elizabethtown, Richmond, Irvine, Russellville, Somerset, Vanceburg, West Liberty, Williamstown, Marion, Henderson, Eddyville, Campbellsburg, Middlesboro, Winchester, Falmouth, Central City, Newport, Albany, Greenup, Mt. Sterling, Greensburg, Mayfield, Fulton, Bardwell, Williamsburg and Fullerton.

The State Highway Commission shall begin the construction of the system of State highways from these cities and towns as nearly simultaneously as possible and shall prosecute the work on any and all projects radiating out from these centers as rapidly being given to the maintenance of roads built in preceding years under said aid or otherwise which have been incorporated in this system of State highways or which have been constructed under this act.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

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of chapter 110 of Carroll's Kentucky Statutes, sixth edition,

H. A. Pulliam

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table,

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 143. An Act to amend section 4356t-5, of article II, of chapter 110 of Carroll's Kentucky Statutes, sixth edition, relating to roads and highways, and establishing and creating project No. 1a.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4356t-5 of article II of chapter 110 of Kentucky Statutes, Carroll's sixth edition, relating to roads and highways, shall be and the same is hereby amended, so as to create and establish project No. 1a, which is a road leading from Greenville, in the county of Muhlenberg, by way of Weir, in Muhlenberg county, and by way of Kirkmansville and Allegre in Todd county, to Elkton, Todd county, so that said project No. 1a, as established and created, will be as follows:

"Project No. 1a, from Greenville, Muhlenberg county, to Weir, in Muhlenberg county, thence to Kirkmansville in Todd county, thence to Allegre in Todd county, thence on the public highway to a point about three miles north of Elkton, Todd county, thence across to the public highway leading from Elkton, Todd county, to Greenville, Muhlenberg county, thence along said highway to Elkton, Todd county."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
Wm. J. Arvin
W. O. Bach
J. H. Baughman
T. H. Benton
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
W. A. Carson
C. B. Carver
Lee Clark
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
Mormon B. Daniel
J. R. Dorman
E. J. Doss
James M. Durham
D. E. Edwards
J. O. Evans
D. W. Fowler
Otto C. Gartin
R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
J. R Kelly
Thos. H. King
Oscar Leibson
W. W. Leslie
Leon P. Lewis
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Smith Park
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
C. W. Ryans
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
J. G. Swearengin
Mac Swinford
J. L. Valandingham
C. D. Vincent
W. S. Wallen
T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 175. An Act relating to roads, bridges and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is now established as a part of the primary system of roads and highways in the Commonwealth of Kentucky the following route, to-wit:

From a point near Blackburn in Union county, Kentucky, on the Ohio river and opposite Shawneetown, Illinois, to Sturgis, in Union county, by way of Henshaw in said county, and the same is to be known as project No. —.

Said project thus established to be a part of and entitled to all of the privileges, benefits and conditions now given by any act or law to any of the primary roads in this Commonwealth.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Joe Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 178. An Act relating to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established as part of the primary system of roads of the Commonwealth of Kentucky project No. —— as follows:

From a point on project No. 29 of the state primary system of roads at or near Athol in Brethitt county, Kentucky, to Hyden in Leslie county, Kentucky, via Highland College and Buckhorn College.

§ 2. Said project as thus established to be a part of the primary system of roads established by chapter 17 of the Acts of 1920, as amended and to be entitled to all the benefits and subject to all laws now or that may hereafter be in force with relation to same.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at lengtth being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

—1

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	Mac Swinford
J. L. Cushing	J. R. Kelly	J. L. Valandingham
Mormon B. Daniel	Thos. H. King	C. D. Vincent
J. R. Dorman	Oscar Leibson	W. S. Wallen
E. J. Doss	W. W. Leslie	T. B. Watts
James M. Durham	Leon P. Lewis	

—81

There voted in the negative—

H. A. Pulliam

—1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 182. An Act to amend section 5 of chapter 17 of the Acts of the General Assembly of 1920, which is section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating project No. 2½b.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 5 of chapter 17 of the Acts of the General Assembly of 1920, which is section 4356t-6 of Carroll's 1922 Kentucky Statutes, relating to roads and highways, shall be and the same is hereby amended so as to create and establish project No. 2½b, which is a road leading from Onton to Slaughters, Webster county, Kentucky, thence to Dixon, Webster county, Kentucky, connecting with the federal highway from Henderson, Kentucky, to Guthrie, Kentucky.

So that said project No. 2½b, as established and created will be as follows:

"Project No. 2½b, from Onton to Slaughters, Webster county, Kentucky, thence to Dixon, Webster county, Kentucky, connecting with the federal highway from Henderson, Kentucky, to Guthrie, Kentucky."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its tile and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 186. An Act to amend section 5 of chapter 17 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1920 session, approved March 16, 1920, which act relates to roads and bridges and the creation of the Department of State Roads and Highways, etc., by adding to said act project No. ——, which shall run from Pleasant Hill, Mercer county, Kentucky, to Danville, Boyle county, Kentucky, via Burgin, Mercer county, Kentucky, and from Danville, Kentucky, to Brumfield, Boyle county, Kentucky, via Parksville, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 17 of the Acts of the 1920 session of the General Assembly of the Commonwealth of Kentucky, approved by the Governor on March 16, 1920, which act relates to the designation and creation of state highways and bridges, and creates the Department of State Roads and Highways, etc., be amended by adding to section five of said act project No. —, which project is as follows:

Beginning at Pleasant Hill, Mercer county, Kentucky, which is commonly called Shakertown, which is on project No. 26, thence via Burgin, Mercer county, Kentucky, to Danville, Kentucky, then via Parksville, Boyle county, Kentucky, to Brumfield, Boyle county, Kentucky, which is on project No. 25. This project is to be known as project No. —

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Marmon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam

—1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 201. An Act to establish a new state primary road project to be known as project No. —, to begin at Munfordville, the county seat of Hart county, and to extend by a route near the old home of the late Gen. Simon Bolivar Buckner, and ending in the "Jackson Highway" (state project No. 3), at a point south of Pikeview between Pikeview and Linnwood, Hart county, Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Munfordville, county seat of Hart county, Kentucky, by way of a route near the old home of the late Gen. Simon Bolivar Buckner, and ending in the "Jackson Highway" (state project No. 3), at a point south of Pikeview between Pikeview and Linwood, Hart county, Kentucky, approximately 12 miles in length, be and the same is hereby established and designated as a part of the primary system of state highways of the Commonwealth of Kentucky, to be known as state primary road project No.——.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in chapter 17, Acts of the General Assembly of 1920, establishing and creating a primay system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	Grover C. Johnson	Chas. L. Seale
Fred H. Coots	E. M. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 211. An Act to amend and re-enact section 1 of chapter 187 of the Session Acts of 1924, establishing state highway project No. 5a, to more definitely define the starting point and route of said route.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1 of chapter 187 of the Session Acts of 1924, establishing road project No. 5a, be amended by inserting after the words: "A road to lead from a point on project No. 5a," the following: "at the Belt Line road near Binghamtown a village in the northern city limits of Middlesboro, Kentucky, by way of the Belt Line road, Donovan Hill, Stony Fork and Fonde," so that said section when so amended shall read as follows:

"Section 1. That there is hereby established and created, as a part of the primary system of state highways of the Commonwealth of Kentucky, a road leading from a point on project No. 5 at the Belt Line road near Binghamtown, in the northern city limits of Middlesboro, Kentucky, by way of the Belt Line road, Donovan Hill, Stony Fork and Fonde, to a point at or near Pruden, Tennessee, on the Kentucky-Tennessee state line. The construction, maintenance, supervision and control of said road shall be subject to all the terms and

conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of state highways."

§ 2. Said project shall be designated and known as project No. 5a.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. J. Curtis	Ira L. Horne
Wm. J. Arvin	J. L. Cushing	J. C. Hutcherson
W. O. Bach	Mormon B. Daniel	E. M. Johnson
J. H. Baughman	J. R. Dorman	Grover C. Johnson
T. H. Benton	E. J. Doss	W. W. Johnson
Shaler Berry	James M. Durham	Mrs. H. G. Jorris
C. H. Berryman	D. E. Edwards	W. O. Keller
W. P. Bowman	J. O. Evans	J. R. Kelly
D. F. Brown	D. W. Fowler	Thos. H. King
Geo. A. Brown	Otto C. Gartin	Oscar Leibson
F. W. Bryant	R. E. Glenn	W. W. Leslie
J. R. Buckman	F. A. Gnau	Leon P. Lewis
W. G. Buckner	Whitsett Hall	J. L. Manning
S. J. Bunger	Lawrence Harmon	Shelby Martin
W. A. Carson	J. F. Harrison	A. M. Mercer
C. B. Carver	C. W. Hawkins	H. J. Meyers
Lee Clark	J. M. Hayse	H. H. Miller
Lonnie Cooper	Goebel B. Henson	J. S. Milliken
Fred H. Coots	H. M. Holbrook	T. R. Moore
J. D. Cox	H. B. Holland	B. T. Morris
J. S. Cruse	S. K. Holland	L. P. Murphy

Chas. N. McCarty	W. H. Pryor	J. G. Swearengin
J. L. McDavid	C. W. Ryans	Mac Swinford
W. J. McGill	Chas. L. Seale	J. L. Valandingham
F. T. Nichols	M. G. Slusher	C. D. Vincent
Smith Park	W. R. Smith	W. S. Wallen
Jas. J. Peters	E. J. Snyder	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 215. An Act to amend and re-enact chapter 158 of the Acts of the General Assembly of 1924, entitled, "An Act to amend an act of the General Assembly of Kentucky, approved March 16, 1920, entitled, 'An Act relating to roads and bridges, etc.,' and being chapter 17 of the Acts of 1920, by revising and amending project 46 of said act," by adding thereto road extending from Taylorsville in Spencer county, to West Point in Hardin county, by way of Waterford, Mt. Washington and Shepherdsville.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 158 of the Acts of 1924 be amended and re-enacted by adding thereto road extending from Taylors-

ville in Spencer county to West Point in Hardin county, via Waterford, Mt. Washington and Shepherdsville, so that said section when amended and re-enacted shall read as follows:

§ 2. Project 46. From Carrollton to Taylorsville via New Castle and Shelbyville via Finchville, then from Taylorsville to West Point via Waterford, Mt. Washington and Shepherdsville.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. S. Cruse	H. B. Holland
Wm. J. Arvin	W. J. Curtis	S. K. Holland
W. O. Bach	J. L. Cushing	Ira L. Horne
J. H. Baughman	Mormon B. Daniel	J. C. Hutcherson
T. H. Benton	J. R. Dorman	E. M. Johnson
Shaler Berry	E. J. Doss	Grover C. Johnson
C. H. Berryman	James M. Durham	W. W. Johnson
W. P. Bowman	D. E. Edwards	Mrs. H. G. Jorris
D. F. Brown	J. O. Evans	W. O. Keller
Geo. A. Brown	D. W. Fowler	J. R. Kelly
F. W. Bryant	Otto C. Gartin	Thos. H. King
J. R. Buckman	R. E. Glenn	Oscar Leibson
W. G. Buckner	F. A. Gnau	W. W. Leslie
S. J. Bunger	Whitsett Hall	Leon P. Lewis
W. A. Carson	Lawrence Harmon	J. L. Manning
C. B. Carver	J. F. Harrison	Shelby Martin
Lee Clark	C. W. Hawkins	A. M. Mercer
Lonnie Cooper	J. M. Hayse	H. J. Meyers
Fred H. Coots	Goebel B. Henson	H. H. Miller
J. D. Cox	H. M. Holbrook	J. S. Milliken

T. R. Moore	Smith Park	E. J. Snyder
B. T. Morris	Jas. J. Peters	J. G. Swearengin
L. P. Murphy	W. H. Pryor	Mac Swinford
Chas. N. McCarty	C. W. Ryans	J. L. Valandingham
J. L. McDavid	Chas. L. Seale	C. D. Vincent
W. J. McGill	M. G. Slusher	W. S. Wallen
F. T. Nichols	W. R. Smith	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said last named motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 254. An Act to add project No. — in Wayne county, by including in the state primary system of roads the route from Monticello, Wayne county to the Tennessee state line, following the top of the mountain between Mt. Pisgah and Slickford, after passing Cooper post office.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby added to the state primary system of roads the route leading from Monticello, Wayne county, by Cooper postoffice, and following the top of the mountain

between Mt. Pisgah and Slickford postoffice, in the direction of Jamestown, Tennessee, to the state line on the top of said mountain, same to be a part of project No. —. The construction, maintenance and supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary road system for the state of Kentucky.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	J. M. Hayse
Wm. J. Arvin	J. D. Cox	Goebel B. Henson
W. O. Bach	J. S. Cruse	H. M. Holbrook
J. H. Baughman	W. J. Curtis	H. B. Holland
T. H. Benton	J. L. Cushing	S. K. Holland
Shaler Berry	Mormon B. Daniel	Ira L. Horne
C. H. Berryman	J. R. Dorman	J. C. Hutcherson
W. P. Bowman	E. J. Doss	E. M. Johnson
D. F. Brown	James M. Durham	Grover C. Johnson
Geo. A. Brown	D. E. Edwards	W. W. Johnson
F. W. Bryant	J. O. Evans	Mrs. H. G. Jorris
J. R. Buckman	D. W. Fowler	W. O. Keller
W. G. Buckner	Otto C. Gartin	J. R. Kelly
S. J. Bunger	R. E. Glenn	Thos. H. King
W. A. Carson	F. A. Gnau	Oscar Leibson
C. B. Carver	Whitsett Hall	W. W. Leslie
Lee Clark	Lawrence Harmon	Leon P. Lewis
Lonnie Cooper	J. F. Harrison	J. L. Manning

Shelby Martin	J. L. McDavid	W. R. Smith
A. M. Mercer	W. J. McGill	E. J. Snyder
H. J. Meyers	F. T. Nichols	J. G. Swearengin
H. H. Miller	Smith Park	Mac Swinford
J. S. Milliken	Jas. J. Peters	J. L. Valandingham
T. R. Moore	W. H. Pryor	C. D. Vincent
B. T. Morris	C. W. Ryans	W. S. Wallen
L. P. Murphy	Chas. L. Seale	T. B. Watts
Chas. N. McCarty	M. G. Slusher	

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 268. An Act to establish as a part of the primary system of state highways a road from Beattyville, Lee county, via Idamay and Delvinta, to McKee in Jackson county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and is now established as one of the primary road projects of the Commonwealth of Kentucky the following, to-wit:

"From Beattyville, Lee county, via Idamay and Delvinta, in Lee county, and from there by the shortest and most practical route to McKee in Jackson county."

§ 2. That said project shall receive and be entitled to all the benefits allowed and provided for in chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system o fstate highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. D. Cox	Goebel B. Henson
Wm. J. Arvin	J. S. Cruse	H. M. Holbrook
W. O. Bach	W. J. Curtis	H. B. Holland
J. H. Baughman	J. L. Cushing	S. K. Holland
T. H. Benton	Marmon B. Daniel	Ira L. Horne
Shaler Berry	J. R. Dorman	J. C. Hutcherson
C. H. Berryman	E. J. Doss	E. M. Johnson
W. P. Bowman	James M. Durham	Grover C. Johnson
D. F. Brown	D. E. Edwards	W. W. Johnson
Geo. A. Brown	J. O. Evans	Mrs. H. G. Jorris
F. W. Bryant	D. W. Fowler	W. O. Keller
J. R. Buckman	Otto C. Gartin	J. R. Kelly
W. G. Buckner	R. E. Glenn	Thos. H. King
S. J. Bunger	F. A. Gnau	Oscar Leibson
W. A. Carson	Whitsett Hall	W. W. Leslie
C. B. Carver	Lawrence Harmon	Leon P. Lewis
Lee Clark	J. F. Harrison	J. L. Manning
Lonnie Cooper	C. W. Hawkins	Shelby Martin
Fred H. Coots	J. M. Hayse	A. M. Mercer

H. J. Meyers	W. J. McGill	W. R. Smith
H. H. Miller	F. T. Nichols	E. J. Snyder
J. S. Milliken	Smith Park	J. G. Swearengin
T. R. Moore	Jas. J. Peters	Mac Swinford
B. T. Morris	W. H. Pryor	J. L. Valandingham
L. P. Murphy	C. W. Ryans	C. D. Vincent
Chas. N. McCarty	Chas. L. Seale	W. S. Wallen
J. L. McDavid	M. G. Slusher	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 269. An Act adding additional road project to the present state primary system of roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be added to the present primary system of state highways, as adopted in 1920 and amended in 1922 and 1924, the following road project:

From the Iron Bridge in Edmonson county on Bear Creek, via Sunfish to Leitchfield.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam — 1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 275. An Act establishing and making the road leading from Walton through Verona to Glencoe, a part of the primary system of state highways of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the road leading from Walton through Verona to Glencoe, be and the same is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky, and the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17, of the Acts of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 291. An Act to amend Chapter 260 of the Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which act relates to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 260 of the Acts of 1924 session of the General Assembly of the Commonwealth of Kentucky which relates to roads and highways, be amended and re-enacted so that said act so amended shall read as follows:

"From a point in the State highway leading from Stanton to Campton at or near Slade, in Powell County via Natural Bridge and Torrent, to a point in the State highway leading from Beattyville to Campton at or near Zachariah, in Wolfe County."

§ 2. That said project shall receive and be entitled to all the benefits allowed and provided for in Chapter 17 of the Acts of the General Assembly of 1920 as amended, establishing and creating a Primary System of State Highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Marmon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 293. An Act to amend Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways, and establishing Project No. 1-a as a part of the Primary System of State Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways, all be and the same are hereby amended so as to create and establish as a part of the primary system of State highways Project No. 1, and extending to Bloomfield via Maud, Kentucky, about eighteen miles in length, and joining at Bloomfield, Kentucky, the primary system project extending from Louisville to Bardstown via Bloomfield.

So that said Project No. 1-a be and the same is hereby created and established as follows:

Project No. 1-a. From Springfield via Maud to Bloomfield, intersecting with primary system project from Louisville to Bardstown via Bloomfield.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 295. An Act establishing as a part of the primary system of state highways a road from Mayfield, Graves county, via Farmington, to the Jeff Davis Highway at Egner's Ferry on the Tennessee River.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary projects of the Commonwealth of Kentucky the following, to-wit:

From Mayfield, Graves county, via Farmington, to the Jeff Davis Highway at Egner's Ferry on the Tennessee River.

§ 2. That said project hereby established shall be a part of the primary system of state highways, and the said project shall receive and be entitled to all the benefits allowed and provided for in Chapter 17 of the Acts of the General Assembly of 1920.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	Ira L. Horne	W. H. Pryor
Lee Clark	J. C. Hutcherson	C. W. Ryans
Lonnie Cooper	E. M. Johnson	Chas. L. Seale
Fred H. Coots	Grover C. Johnson	M. G. Slusher
J. D. Cox	W. W. Johnson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 306. An Act establishing and designating the road leading from Elizabethtown in Hardin county, to Belmont, in Bullitt county, a part of the primary system of state roads, to be known as state primary road Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Elizabethtown, the county seat of Hardin county, by way of Woolridge's Ferry to Belmont, in Bullitt county, approximately twenty miles in length, be and the same is hereby declared and designated as a part of the primary system of state roads, to be known as state primary road Project No. —.

§ 2. The construction, maintenance, supervision and control of said project shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of state roads.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. L. Manning
Wm. J. Arvin	J. O. Evans	Shelby Martin
W. O. Bach	D. W. Fowler	A. M. Mercer
J. H. Baughman	Otto C. Gartin	H. J. Meyers
T. H. Benton	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	J. S. Milliken
C. H. Berryman	Whitsett Hall	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	J. F. Harrison	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	H. B. Holland	Smith Park
W. A. Carson	S. K. Holland	Jas. J. Peters
C. B. Carver	E. M. Johnson	W. H. Pryor
Lee Clark	Grover C. Johnson	C. W. Ryans
Lonnie Cooper	W. W. Johnson	Chas. L. Seale
Fred H. Coots	Ira L. Horne	M. G. Slusher
J. D. Cox	J. C. Hutcherson	W. R. Smith
J. S. Cruse	Mrs. H. G. Jorris	E. J. Snyder
W. J. Curtis	W. O. Keller	J. G. Swearengin
J. L. Cushing	J. R. Kelly	Mac Swinford
Mormon B. Daniel	Thos. H. King	J. L. Valandingham
J. R. Dorman	Oscar Leibson	C. D. Vincent
E. J. Doss	W. W. Leslie	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 322. An Act to amend Section 5, of Chapter 17 of the Acts of the General Assembly of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways and establishing and creating Project No. 10D, known as the Fort Donaldson Trail.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of Chapter 17 of the Acts of the General Assembly of Kentucky, of 1920, which is Section 4356t-5 of Carroll's 1922 Kentucky Statutes, relating to roads and highways, shall be and the same is hereby amended so as to create and establish Project No. 10D, known as the Fort Donaldson Trail, leading from Greenville, Muhlenberg county, Kentucky, to Hopkinsville, Christain county, Kentucky, and from that point toward Fort Donaldson, Tennessee, to a point on the Kentucky and Tennessee State line, connecting with a State and Federal Highway from Fort Donaldson, Tennessee, at that State line near LaFayette, Kentucky, thus providing a direct and continuous State and Federal Highway, from Owensboro, Kentucky, on the Ohio river, to Fort Donaldson, Tennessee, and on through Memphis, Tennessee, into the South. So that said Project No. 10D, as established and created will be as follows: Project No. 10D. From Greenville, county seat of Muhlenberg county, Kentucky, to Hopkinsville, county seat of Christian county, Kentucky, following in general what is known as the Lower Greenville-Hopkinsville road; and from Hopkinsville, follow in general the old LaFayette road, through the town of LaFayette, to a point on the Kentucky-Tennessee State line, beyond LaFayette, and connecting there with a State and Federal highway, leading from

Fort Donaldson, a National Cemetery, on the Cumberland river, and adjacent to Dover, the county seat of Stewart county, Tennessee, thus connecting Project No. 10 of the Kentucky State and Federal road system at Greenville, with the State and Federal system of Tennessee, and making a continuous route of the Fort Donaldson Trail, from Owensboro, Kentucky, to Fort Donaldson, Tennessee, and into the South.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	J. S. Cruse	H. B. Holland
Wm. J. Arvin	W. J. Curtis	S. K. Holland
W. O. Bach	J. L. Cushing	Ira L. Horne
J. H. Baughman	Mormon B. Daniel	J. C. Hutcherson
T. H. Benton	J. R. Dorman	E. M. Johnson
Shaler Berry	E. J. Doss	Grover C. Johnson
C. H. Berryman	James M. Durham	W. W. Johnson
W. P. Bowman	D. E. Edwards	Mrs. H. G. Jorris
D. F. Brown	J. O. Evans	Thos. H. King
Geo. A. Brown	D. W. Fowler	W. O. Keller
F. W. Bryant	Otto C. Gartin	J. R. Kelly
J. R. Buckman	R. E. Glenn	Oscar Leibson
W. G. Buckner	F. A. Gnau	W. W. Leslie
S. J. Bunger	Whitsett Hall	Leon P. Lewis
W. A. Carson	Lawrence Harmon	J. L. Manning
C. B. Carver	J. F. Harrison	Shelby Martin
Lee Clark	C. W. Hawkins	A. M. Mercer
Lonnie Cooper	J. M. Hayse	H. J. Meyers
Fred H. Coots	Goebel B. Henson	H. H. Miller
J. D. Cox	H. M. Holbrook	J. S. Milliken

T. R. Moore	Smith Park	E. J. Snyder
B. T. Morris	Jas. J. Peters	J. G. Swearengin
L. P. Murphy	W. H. Pryor	Mac Swinford
Chas. N. McCarty	C. W. Ryans	J. L. Valandingham
J. L. McDavid	Chas. L. Seale	C. D. Vincent
W. J. McGill	M. G. Slusher	W. S. Wallen
F. T. Nichols	W. R. Smith	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 328. An Act to establish a new road project, beginning at the intersection of the left and right forks of Straight Creek, in Bell County, Kentucky, and thence up the right fork of said Creek by way of Kettle Island, to a point in the Hyden-Beverly Road (State Project No. 110), approximately twelve miles, to be known as State Primary Road Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That a road beginning at the intersection of the right and left forks of Straight Creek, in Bell County, Ken-

tucky, thence up the right fork of said creek by way of Kettle Island, to a point in the Hyden-Beverly road (State Primary Road Project No. 110), approximately 12 miles in length be and the same is hereby established and designated as a part of the Primary System of State highways of the Commonwealth of Kentucky, to be known as State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a Primary System of State Highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	W. A. Carson	J. O. Evans
Wm. J. Arvin	C. B. Carver	D. W. Fowler
W. O. Bach	Lee Clark	Otto C. Gartin
J. H. Baughman	Lonnie Cooper	R. E. Glenn
T. H. Benton	Fred H. Coots	F. A. Gnau
Shaler Berry	J. D. Cox	Whitsett Hall
C. H. Berryman	J. S. Cruse	Lawrence Harmon
W. P. Bowman	W. J. Curtis	J. F. Harrison
D. F. Brown	J. L. Cushing	C. W. Hawkins
Geo. A. Brown	Mormon B. Daniel	J. M. Hayse
F. W. Bryant	J. R. Dorman	Goebel B. Henson
J. R. Buckman	E. J. Doss	H. M. Holbrook
W. G. Buckner	James M. Durham	H. B. Holland
S. J. Bunger	D. E. Edwards	S. K. Holland

Ira L. Horne	Shelby Martin	Jas. J. Peters
J. C. Hutcherson	A. M. Mercer	W. H. Pryor
E. M. Johnson	H. J. Meyers	C. W. Ryans
Grover C. Johnson	H. H. Miller	Chas. L. Seale
W. W. Johnson	J. S. Milliken	M. G. Slusher
Mrs. H. G. Jorris	T. R. Moore	W. R. Smith
W. O. Keller	B. T. Morris	E. J. Snyder
J. R. Kelly	L. P. Murphy	J. G. Swearengin
Thos. H. King	Chas. N. McCarty	Mac Swinford
Oscar Leibson	J. L. McDavid	J. L. Valandingham
W. W. Leslie	W. J. McGill	C. D. Vincent
Leon P. Lewis	F. T. Nichols	W. S. Wallen
J. L. Manning	Smith Park	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 329. An Act to establish a new State Primary Road Project, beginning at London, county seat of Laurel County, and extending by way of Maplesville and McWhorter to Burning Springs on State Project No. 30, and to be known as State Primary Road Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from London, the county seat of Laurel County, by way of Maplesville and McWhorter to a point in the State Primary Road Project No. 30, near Burning Springs, in Clay County, approximately 26 miles in length, be and the same is hereby established and designated as a part of the State Primary System of Highways of the Commonwealth of Kentucky, to be known as State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a Primary System of State Highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	J. S. Cruse
Wm. J. Arvin	J. R. Buckman	W. J. Curtis
W. O. Bach	W. G. Buckner	J. L. Cushing
J. H. Baughman	S. J. Bunger	Mormon B. Daniel
T. H. Benton	W. A. Carson	J. R. Dorman
Shaler Berry	C. B. Carver	E. J. Doss
C. H. Berryman	Lee Clark	James M. Durham
W. P. Bowman	Lonnie Cooper	D. E. Edwards
D. F. Brown	Fred H. Coots	J. O. Evans
Geo. A. Brown	J. D. Cox	D. W. Fowler

Otto C. Gartin	Mrs. H. G. Jorris	J. L. McDavid
R. E. Glenn	W. O. Keller	W. J. McGill
F. A. Gnau	J. R. Kelly	F. T. Nichols
Whitsett Hall	Thos. H. King	Smith Park
Lawrence Harmon	Oscar Leibson	Jas. J. Peters
J. F. Harrison	W. W. Leslie	W. H. Pryor
C. W. Hawkins	Leon P. Lewis	C. W. Ryans
J. M. Hayse	J. L. Manning	Chas. L. Seale
Goebel B. Henson	Shelby Martin	M. G. Slusher
H. M. Holbrook	A. M. Mercer	W. R. Smith
H. B. Holland	H. J. Meyers	E. J. Snyder
S. K. Holland	H. H. Miller	J. G. Swearengin
Ira L. Horne	J. S. Milliken	Mac Swinford
J. C. Hutcherson	T. R. Moore	J. L. Valandingham
E. M. Johnson	B. T. Morris	C. D. Vincent
Grover C. Johnson	L. P. Murphy	W. S. Wallen
W. W. Johnson	Chas. N. McCarty	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 339. An Act to establish as a part of the primary system of state highways, a road from Eddyville, Lyon county, to a point known as Elkhorn Tavern, on the Princeton and Marion highway now complete.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky, the following, to-wit:

A road from Eddyville, Lyon county, to a point known as Elkhorn Tavern, on the Princeton and Marion highway now complete, to be known as Project No. —, and said project shall receive and be entitled to all the benefits allowed and provided for in Chapter 17 of the Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	J. R. Dorman
Wm. J. Arvin	S. J. Bunger	E. J. Doss
W. O. Bach	W. A. Carson	James M. Durham
J. H. Baughman	C. B. Carver	D. E. Edwards
T. H. Benton	Lee Clark	J. O. Evans
Shaler Berry	Lonnie Cooper	D. W. Fowler
C. H. Berryman	Fred H. Coots	Otto C. Gartin
W. P. Bowman	J. D. Cox	R. E. Glenn
D. F. Brown	J. S. Cruse	F. A. Gnau
Geo. A. Brown	W. J. Curtis	Whitsett Hall
F. W. Bryant	J. L. Cushing	Lawrence Harmon
J. R. Buckman	Mormon B. Daniel	J. F. Harrison

C. W. Hawkins	Oscar Leibson	F. T. Nichols
J. M. Hayse	W. W. Leslie	Smith Park
Goebel B. Henson	Leon P. Lewis	Jas. J. Peters
H. M. Holbrook	J. L. Manning	W. H. Pryor
H. B. Holland	Shelby Martin	C. W. Ryans
S. K. Holland	A. M. Mercer	Chas. L. Seale
Ira L. Horne	H. J. Meyers	M. G. Slusher
J. C. Hutcherson	H. H. Miller	W. R. Smith
E. M. Johnson	J. S. Milliken	E. J. Snyder
Grover C. Johnson	T. R. Moore	J. G. Swearengin
W. W. Johnson	B. T. Morris	Mac Swinford
Mrs. H. G. Jorris	L. P. Murphy	J. L. Valandingham
W. O. Keller	Chas. N. McCarty	C. D. Vincent
J. R. Kelly	J. L. McDavid	W. S. Wallen
Thos. H. King	W. J. McGill	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 343. An Act relating to roads and bridges and establishing as a part of the primary system of state highways, a road leading from New Castle, via Point Pleasant to Bethlehem, designating the same as Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways a road leading from New Castle, Henry county, on Project No. 46, via Point Pleasant to Bethlehem on project number 19 in said county and the same shall be designated as project number —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of state highways and of which the project herein mentioned shall be a part.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	J. R. Dorman
Wm. J. Arvin	S. J. Bunger	E. J. Doss
W. O. Bach	W. A. Carson	James M. Durham
J. H. Baughman	C. B. Carver	D. E. Edwards
T. H. Benton	Lee Clark	J. O. Evans
Shaler Berry	Lonnie Cooper	D. W. Fowler
C. H. Berryman	Fred H. Coots	Otto C. Gartin
W. P. Bowman	J. D. Cox	R. E. Glenn
D. F. Brown	J. S. Cruse	F. A. Gnau
Geo. A. Brown	W. J. Curtis	Whitsett Hall
F. W. Bryant	J. L. Cushing	Lawrence Harmon
J. R. Buckman	Mormon B. Daniel	J. F. Harrison

C. W. Hawkins	Oscar Leibson	F. T. Nichols
J. M. Hayse	W. W. Leslie	Smith Park
Goebel B. Henson	Leon P. Lewis	Jas. J. Peters
H. M. Holbrook	J. L. Manning	W. H. Pryor
H. B. Holland	Shelby Martin	C. W. Ryans
S. K. Holland	A. M. Mercer	Chas. L. Seale
Ira L. Horne	H. J. Meyers	M. G. Slusher
J. C. Hutcherson	H. H. Miller	W. R. Smith
E. M. Johnson	J. S. Milliken	E. J. Snyder
Grover C. Johnson	T. R. Moore	J. G. Swearengin
W. W. Johnson	B. T. Morris	Mac Swinford
Mrs. H. G. Jorris	L. P. Murphy	J. L. Valandingham
W. O. Keller	Chas. N. McCarty	C. D. Vincent
J. R. Kelly	J. L. McDavid	W. S. Wallen
Thos. H. King	W. J. McGill	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 344. An Act relating to roads and bridges and amending Chapter 17 of the Acts of the General Assembly of 1920, by adding thereto as project number —, a road extending from the city of Eminence, in Henry County, to and intersecting with a point on project number 19 known as Price's Corner, in Henry County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 17 of the Acts of the eneral Assembly of the Commonwealth of Kentucky of 1920 be amended by adding thereto as project number — a road extending from the city of Eminence in Henry County on project number 46, to and intersecting with a point on project number 19 known as Price's Corner, in Henry County.

§ 2. Construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in Chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of state highways of which the road herein mentioned shall be a part.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitutiona were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Geo. A. Brown	Fred H. Coots
Wm. J. Arvin	F. W. Bryant	J. D. Cox
W. O. Bach	J. R. Buckman	J. S. Cruse
J. H. Baughman	W. G. Buckner	W. J. Curtis
T. H. Benton	S. J. Bunger	J. L. Cushing
Shaler Berry	W. A. Carson	Mormon B. Daniel
C. H. Berryman	C. B. Carver	J. R. Dorman
W. P. Bowman	Lee Clark	E. J. Doss
D. F. Brown	Lonnie Cooper	James M. Durham

D. E. Edwards	Grover C. Johnson	Chas. N. McCarty
J. O. Evans	W. W. Johnson	J. L. McDavid
D. W. Fowler	Mrs. H. G. Jorris	W. J. McGill
Otto C. Gartin	W. O. Keller	F. T. Nichols
R. E. Glenn	J. R. Kelly	Smith Park
F. A. Gnau	Thos. H. King	Jas. J. Peters
Whitsett Hall	Oscar Leibson	W. H. Pryor
Lawrence Harmon	W. W. Leslie	C. W. Ryans
J. F. Harrison	Leon P. Lewis	Chas. L. Seale
C. W. Hawkins	Shelby Martin	M. G. Slusher
J. M. Hayse	J. L. Manning	W. R. Smith
Goebel B. Henson	A. M. Mercer	E. J. Snyder
H. M. Holbrook	H. J. Meyers	J. G. Swearengin
H. B. Holland	H. H. Miller	Mac Swinford
S. K. Holland	J. S. Milliken	J. L. Valandingham
Ira L. Horne	T. R. Moore	C. D. Vincent
J. C. Hutcherson	B. T. Morris	W. S. Wallen
E. M. Johnson	L. P. Murphy	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 345. An Act to establish a new primary road project leading from Rockhold in Whitley County, Kentucky, via Meadow Creek, Tye's Ferry, to a point in state primary road project No. 111, on Poplar Creek, also in Whitley County,

approximately 12 miles, to be known as state primary road project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Rockhold, Whitley County, Kentucky, by way of Meadow Creek, Tye's Ferry and to a point on state primary road project No. 111, on Poplar Creek, all in Whitley County, and approximately 12 miles in length, be and the same is hereby established and designated as a part of the state primary system of state highways, to be known as state primary road project No. —

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. H. Berryman	W. G. Buckner
Wm. J. Arvin	W. P. Bowman	S. J. Bunger
W. O. Bach	D. F. Brown	W. A. Carson
J. H. Baughman	Geo. A. Brown	C. B. Carver
T. H. Benton	F. W. Bryant	Lee Clark
Shaler Berry	J. R. Buckman	Lonnie Cooper

Fred H. Coots	H. M. Holbrook	B. T. Morris
J. D. Cox	H. B. Holland	L. P. Murphy
J. S. Cruse	S. K. Holland	Chas. N. McCarty
W. J. Curtis	Ira L. Horne	J. L. McDavid
J. L. Cushing	J. C. Hutcherson	W. J. McGill
Mormon B. Daniel	E. M. Johnson	F. T. Nichols
J. R. Dorman	Grover C. Johnson	Smith Park
E. J. Doss	W. W. Johnson	Jas. J. Peters
James M. Durham	Mrs. H. G. Jorris	W. H. Pryor
D. E. Edwards	W. O. Keller	Mac Swinford
J. O. Evans	J. R. Kelly	C. W. Ryans
D. W. Fowler	Thos. H. King	Chas. L. Seale
Otto C. Gartin	Oscar Leibson	M. G. Slusher
R. E. Glenn	W. W. Leslie	W. R. Smith
F. A. Gnau	Leon P. Lewis	E. J. Snyder
Whitsett Hall	J. L. Manning	Mac Swinford
Lawrence Harmon	Shelby Martin	J. G. Swearengin
J. F. Harrison	H. J. Meyers	J. L. Valandingham
C. W. Hawkins	H. H. Miller	C. D. Vincent
J. M. Hayse	J. S. Milliken	W. S. Wallen
Goebel B. Henson	T. R. Moore	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 353. An Act to add an additional road project to the Primary System of State Highways as adopted in 1920 and amended in 1922 and 1924.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be added to the State Primary Road System of roads the following project:

From Pineville, Bell County, Kentucky, via Greasy Creek Gap, down Big Poplar Creek and Margaret Evans Settlement and Gatliff and the mouth of Big Patterson Creek to Sutton Mill to Williamsburg, Whitley County, Kentucky, same to be known as Project No. —.

§ 2. All projects heretofore created in conflict with this Act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. F. Brown	Lee Clark
Wm. J. Arvin	Geo. A. Brown	Lonnie Cooper
W. O. Bach	F. W. Bryant	Fred H. Coots
J. H. Baughman	J. R. Buckman	J. D. Cox
T. H. Benton	W. G. Buckner	J. S. Cruse
Shaler Berry	S. J. Bunger	W. J. Curtis
C. H. Berryman	W. A. Carson	J. L. Cushing
W. P. Bowman	C. B. Carver	Mormon B. Daniel

J. R. Dorman	J. C. Hutcherson	L. P. Murphy
E. J. Doss	E. M. Johnson	Chas. N. McCarty
James M. Durham	Grover C. Johnson	J. L. McDavid
D. E. Edwards	W. W. Johnson	W. J. McGill
J. O. Evans	Mrs. H. G. Jorris	F. T. Nichols
D. W. Fowler	W. O. Keller	Smith Park
Otto C. Gartin	J. R. Kelly	Jas. J. Peters
R. E. Glenn	Thos. H. King	W. H. Pryor
F. A. Gnau	Oscar Leibson	C. W. Ryans
Whitsett Hall	W. W. Leslie	Chas. L. Seale
Lawrence Harmon	Leon P. Lewis	M. G. Slusher
J. F. Harrison	J. L. Manning	W. R. Smith
C. W. Hawkins	Shelby Martin	E. J. Snyder
J. M. Hayse	A. M. Mercer	Mac Swinford
Goebel B. Henson	H. J. Meyers	J. G. Swearengin
H. M. Holbrook	H. H. Miller	J. L. Valandingham
H. B. Holland	J. S. Milliken	C. D. Vincent
S. K. Holland	T. R. Moore	W. S. Wallen
Ira L. Horne	B. T. Morris	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 367. An Act to establish as a part of the primary system of state highways a road leaving project 49 at the old Hayden stand, thence via Fairbanks, Natlee, Porter, Sadieville, Davis and intersecting with project No. 21 at Cynthiana.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following be added to the primary system of state roads and highways: Leaving project No. 49 at the old Hayden stand, thence via Fairbanks, Natlee, in Owen county, via Porter, Scott county, intersecting project No. 5, known as the West Dixie Highway, thence with same and leaving it at the old double tollgate and running via Sadieville, Davis and intersecting with project No. 21 at Cynthiana.

§ 2. That the construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions set out and provided for in chapter 17, page 76 of the Acts of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Geo. A. Brown	Fred H. Coots
Wm. J. Arvin	F. W. Bryant	J. D. Cox
W. O. Bach	J. R. Buckman	J. S. Cruse
J. H. Baughman	W. G. Buckner	W. J. Curtis
T. H. Benton	S. J. Bunger	J. L. Cushing
Shaler Berry	W. A. Carson	Marmon B. Daniel
C. H. Berryman	C. B. Carver	J. R. Dorman
W. P. Bowman	Lee Clark	E. J. Doss
D. F. Brown	Lonnie Cooper	James M. Durham

J. O. Evans	Grover C. Johnson	Chas. N. McCarty
D. E. Edwards	W. W. Johnson	J. L. McDavid
D. W. Fowler	Mrs. H. G. Jorris	W. J. McGill
Otto C. Gartin	W. O. Keller	F. T. Nichols
R. E. Glenn	J. R. Kelly	Smith Park
F. A. Gnau	Thos. H. King	Jas. J. Peters
Whitsett Hall	Oscar Leibson	W. H. Pryor
Lawrence Harmon	W. W. Leslie	C. W. Ryans
J. F. Harrison	Leon P. Lewis	Chas. L. Seale
J. M. Hayse	J. L. Manning	M. G. Slusher
C. W. Hawkins	Shelby Martin	W. R. Smith
Goebel B. Henson	A. M. Mercer	E. J. Snyder
H. M. Holbrook	H. J. Meyers	J. G. Swearengin
H. B. Holland	H. H. Miller	Mac Swinford
S. K. Holland	J. S. Milliken	J. L. Valandingham
Ira L. Horne	T. R. Moore	C. D. Vincent
J. C. Hutcherson	B. T. Morris	W. S. Wallen
E. M. Johnson	L. P. Murphy	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 370. An Act creating and establishing as a part of the primary system of highways of the state of Kentucky that part of the old Bardstown and Green river turnpike, be-

tween the village of White City near top of Muldraugh's Hill and the town of Buffalo, in Larue county, to be known as project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be created and established as a part of the primary system of roads of the state of Kentucky that part of the old Bardstown and Green River turnpike, beginning at the villgae of White City, near the top of Muldraugh's Hill, in Larue county, and following as nearly as practical said turnpike to the town of Buffalo, and there connecting with the Jackson Highway, to be known as project No. —.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	J. S. Cruse
Wm. J. Arvin	J. R. Buckman	W. J. Curtis
W. O. Bach	W. G. Buckner	J. L. Cushing
J. H. Baughman	S. J. Bunger	Mormon B. Daniel
T. H. Benton	W. A. Carson	J. R. Dorman
Shaler Berry	C. B. Carver	E. J. Doss
C. H. Berryman	Lee Clark	James M. Durham
W. P. Bowman	Lonnie Cooper	D. E. Edwards
D. F. Brown	Fred H. Coots	J. O. Evans
Geo. A. Brown	J. D. Cox	D. W. Fowler

Otto C. Gartin	Mrs. H. G. Jorris	J. L. McDavid
R. E. Glenn	W. O. Keller	W. J. McGill
F. A. Gnau	J. R. Kelly	F. T. Nichols
Whitsett Hall	Thos. H. King	Smith Park
Lawrence Harmon	Oscar Leibson	Jas. J. Peters
J. F. Harrison	W. W. Leslie	W. H. Pryor
C. W. Hawkins	Leon P. Lewis	C. W. Ryans
J. M. Hayse	J. L. Manning	Chas. L. Seale
Goebel B. Henson	Shelby Martin	M. G. Slusher
H. M. Holbrook	A. M. Mercer	W. R. Smith
H. B. Holland	H. J. Meyers	E. J. Snyder
S. K. Holland	H. H. Miller	J. G. Swearengin
Ira L. Horne	J. S. Milliken	Mac Swinford
J. C. Hutcherson	T. R. Moore	J. L. Valandingham
E. M. Johnson	B. T. Morris	C. D. Vincent
Grover C. Johnson	L. P. Murphy	W. S. Wallen
W. W. Johnson	Chas. N. McCarty	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 375. An Act to amend chapter 260 of Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which relates to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 260 of the Acts of the 1924 session of the General Assembly of the Commonwealth of Kentucky, which relates to roads and highways, be amended and reenacted so that said Act so amended shall read as follows:

§ 2. That there will be and now is established as a part of the primary system of roads and highways project 109c, to be as follows:

From the Mason county line near Sardis to Claysville, so that the same shall go by way of Mt. Olivet and Kentontown; said project, when thus established, to be added to the projects established by chapter 17 of the Acts of 1920, and to be known as the Kentontown Trail.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	J. L. Cushing
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
J. H. Baughman	W. A. Carson	E. J. Doss
T. H. Benton	C. B. Carver	James M. Durham
Shaler Berry	Lee Clark	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	Fred H. Coots	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau

Whitsett Hall	J. R. Kelly	W. J. McGill
Lawrence Harmon	Thos. H. King	F. T. Nichols
J. F. Harrison	Oscar Leibson	Smith Park
C. W. Hawkins	W. W. Leslie	Jas. J. Peters
J. M. Hayse	Leon P. Lewis	W. H. Pryor
Goebel B. Henson	J. L. Manning	C. W. Ryans
H. M. Holbrook	Shelby Martin	Chas. L. Seale
H. B. Holland	A. M. Mercer	M. G. Slusher
S. K. Holland	H. J. Meyers	W. R. Smith
Ira L. Horne	H. H. Miller	E. J. Snyder
J. C. Hutcherson	J. S. Milliken	J. G. Swearengin
E. M. Johnson	T. R. Moore	Mac Swinford
Grover C. Johnson	B. T. Morris	J. L. Valandingham
W. W. Johnson	L. P. Murphy	C. D. Vincent
Mrs. H. G. Jorris	Chas. N. McCarty	W. S. Wallen
W. O. Keller	J. L. McDavid	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S B. 382. An Act to amend and re-enact an act entitled, "An act establishing a road from Louisville, Kentucky, to Elizabethtown, Kentucky, by way of Shepherdsville and Lebanon Junction, Bullitt county, as part of the primary system of state highways, and designating said project as project No. 46-A," by changing the route to go via Boston, in Nelson county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1, chapter 150 of the Acts of 1924 be amended and re-enacted by adding thereto the town of Boston, in Nelson county, so that when said act is amended and re-enacted it shall read as follows:

§ 2. That there is hereby established as a part of the primary system of state highways of the Commonwealth of Kentucky, a road from Louisville, Kentucky, to Elizabethtown, Kentucky, by way of Shepherdsville, Lebanon Junction and Boston.

§ 3. This said project shall be designated and known as project No. 46-A.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length benig dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	J. S. Cruse
Wm. J. Arvin	J R. Buckman	W. J. Curtis
W. O. Bach	W. G. Buckner	J. L. Cushing
J. H. Baughman	S. J. Bunger	Marmon B. Daniel
T. H. Benton	W. A. Carson	J. R. Dorman
Shaler Berry	C. B. Carver	E. J. Doss
C. H. Berryman	Lee Clark	James M. Durham
W. P. Bowman	Lonnie Cooper	D. E. Edwards
D. F. Brown	Fred H. Coots	J. O. Evans
Geo. A. Brown	J. D. Cox	D. W. Fowler

Otto C. Gartin	Mrs. H. G. Jorris	J. L. McDavid
R. E. Glenn	W. O. Keller	W. J. McGill
F. A. Gnau	J. R. Kelly	F. T. Nichols
Whitsett Hall	Thos. H. King	Smith Park
Lawrence Harmon	Oscar Leibson	Jas. J. Peters
J. F. Harrison	W. W. Leslie	W. H. Pryor
C. W. Hawkins	Leon P. Lewis	C. W. Ryans
J. M. Hayse	J. L. Manning	Chas. L. Seale
Goebel B. Henson	Shelby Martin	M. G. Slusher
H. M. Holbrook	A. M. Mercer	W. R. Smith
H. B. Holland	H. J. Meyers	E. J. Snyder
S. K. Holland	H. H. Miller	J. G. Swearengin
Ira L. Horne	J. S. Milliken	Mac Swinford
J. C. Hutcherson	T. R. Moore	J. L. Valandingham
E. M. Johnson	B. T. Morris	C. D. Vincent
Grover C. Johnson	L. P. Murphy	W. S. Wallen
W. W. Johnson	Chas. N. McCarty	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 384. An Act to establish as a part of the primary system of state highways a road from Dixie Highway, at Fred Moore's farm, Edmonson county, to a point known as Rocky Hill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary road projects of the Commonwealth of Kentucky, the following, to-wit:

A road from Dixie Highway, at Fred Moore's farm, in Edmonson county, to a point known as Rocky Hill, to be known as project No. — and said project shall receive and be entitled to all the benefits allowed and provided for in chapter 17 of the Acts of the General Assembly of 1920 establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. B. Carver	Otto C. Gartin
Wm. J. Arvin	Lee Clark	R. E. Glenn
W. O. Bach	Lonnie Cooper	F. A. Gnau
J. H. Baughman	Fred H. Coots	Whitsett Hall
T. H. Benton	J. D. Cox	Lawrence Harmon
Shaler Berry	J. S. Cruse	J. F. Harrison
C. H. Berryman	W. J. Curtis	C. W. Hawkins
W. P. Bowman	J. L. Cushing	J. M. Hayse
D. F. Brown	Mormon B. Daniel	Goebel B. Henson
Geo. A. Brown	J. R. Dorman	H. M. Holbrook
F. W. Bryant	E. J. Doss	H. B. Holland
J. R. Buckman	James M. Durham	S. K. Holland
W. G. Buckner	D. E. Edwards	Ira L. Horne
S. J. Bunger	J. O. Evans	J. C. Hutcherson
W. A. Carson	D. W. Fowler	E. M. Johnson

Grover C. Johnson	H. J. Meyers	W. H. Pryor
W. W. Johnson	H. H. Miller	C. W. Ryans
Mrs. H. G. Jorris	J. S. Milliken	Chas. L. Seale
W. O. Keller	T. R. Moore	M. G. Slusher
J. R. Kelly	B. T. Morris	W. R. Smith
Thos. H. King	L. P. Murphy	E. J. Snyder
Oscar Leibson	Chas. N. McCarty	J. G. Swearengin
W. W. Leslie	J. L. McDavid	Mac Swinford
Leon P. Lewis	W. J. McGill	J. L. Valandingham
J. L. Manning	F. T. Nichols	C. D. Vincent
Shelby Martin	Smith Park	W. S. Wallen
A. M. Mercer	Jas. J. Peters	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 387. An Act establishing as part of the primary system of state highways a road from Leitchfield, via Sonora, in Hardin county, to point on project No. 41 on the Dixie Highway.

Said bill is as follows, viz.:

Be is enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is established as one of the primary projects of the Commonwealth of Kentucky the following road, to-wit: From Leitchfield in Grayson county, via Sonora, in Hardin county, to a point on project No. 41 on the Dixie Highway.

§ 2. That said project hereby established shall be a part of the primary system of state highways and the said project shall receive and be entitled to all the benefits allowed and provided for in chapter 17 of the Acts of the General Assembly of 1920.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lee Clark	Whitsett Hall
Wm. J. Arvin	Lonnie Cooper	Lawrence Harmon
W. O. Bach	Fred H. Coots	J. F. Harrison
J. H. Baughman	J. D. Cox	C. W. Hawkins
T. H. Benton	J. S. Cruse	J. M. Hayse
Shaler Berry	W. J. Curtis	Goebel B. Henson
C. H. Berryman	J. L. Cushing	H. M. Holbrook
W. P. Bowman	Marmon B. Daniel	H. B. Holland
D. F. Brown	J. R. Dorman	S. K. Holland
Geo. A. Brown	E. J. Doss	Ira L. Horne
F. W. Bryant	James M. Durham	J. C. Hutcherson
J. R. Buckman	D. E. Edwards	E. M. Johnson
W. G. Buckner	J. O. Evans	Grover C. Johnson
S. J. Bunger	Otto C. Gartin	W. W. Johnson
W. A. Carson	R. E. Glenn	Mrs. H. G. Jorris
C. B. Carver	F. A. Gnau	W. O. Keller

J. R. Kelly	B. T. Morris	M. G. Slusher
Thos. H. King	L. P. Murphy	W. R. Smith
Oscar Leibson	Chas. N. McCarty	E. J. Snyder
W. W. Leslie	J. L. McDavid	J. G. Swearengin
Leon P. Lewis	W. J. McGill	Mac Swinford
J. L. Manning	F. T. Nichols	J. L. Valandingham
Shelby Martin	Smith Park	C. D. Vincent
A. M. Mercer	Jas. J. Peters	W. S. Wallen
H. J. Meyers	W. H. Pryor	T. B. Watts
H. H. Miller	C. W. Ryans	
J. S. Milliken	Chas. L. Seale	

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 391. An Act establishing a road from Paducah, Kentucky, at the Northern end of Eighth Street in said city and at the city limits to the ferry landing opposite Brookport, Illinois, and being a part of the highway between Paducah, Kentucky, and Golconda, Illinois, as part of the primary system of State highways, and designating said project as Project No. 9-A.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of State highways of the Commonwealth of Kentucky, a road extending from the Northern end of Eighth Street at the city of Paducah, McCracken County, Kentucky; and that the city limits of said city to a point opposite from Brookport, Illinois, at the Brookport landing in the highway extending between Paducah, Kentucky, and Golconda, Illinois.

§ 2. Said project hereby established shall be designated and known as project No. 9.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. A. Carson	J. O. Evans
Wm. J. Arvin	C. B. Carver	D. W. Fowler
W. O. Bach	Lee Clark	Otto C. Gartin
J. H. Baughman	Lonnie Cooper	R. E. Glenn
T. H. Benton	Fred H. Coots	F. A. Gnau
Shaler Berry	J. D. Cox	Whitsett Hall
C. H. Berryman	J. S. Cruse	Lawrence Harmon
W. P. Bowman	W. J. Curtis	J. F. Harrison
D. F. Brown	J. L. Cushing	C. W. Hawkins
Geo. A. Brown	Mormon B. Daniel	J. M. Hayse
F. W. Bryant	J. R. Dorman	Goebel B. Henson
J. R. Buckman	E. J. Doss	H. M. Holbrook
W. G. Buckner	James M. Durham	H. B. Holland
S. J. Bunger	D. E. Edwards	H. B. Holland

E. M. Johnson	Shelby Martin	Jas. J. Peters
Grover C. Johnson	A. M. Mercer	W. H. Pryor
W. W. Johnson	H. J. Meyers	C. W. Ryans
Ira L. Horne	H. H. Miller	Chas. L. Seale
J. C. Hutcherson	J. S. Milliken	M. G. Slusher
Mrs. H. G. Jorris	T. R. Moore	W. R. Smith
W. O. Keller	B. T. Morris	E. J. Snyder
J. R. Kelly	L. P. Murphy	J. G. Swearengin
Thos. H. King	Chas. N. McCarty	Mac Swinford
Oscar Leibson	J. L. McDavid	J. L. Valandingham
W. W. Leslie	W. J. McGill	C. D. Vincent
Leon P. Lewis	F. T. Nichols	W. S. Wallen
J. L. Manning	Smith Park	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 400. An Act to establish as a part of the primary system of the state highways a road beginning at a point on project number nineteen known as Sid Morgan's farm in Henry county to Ballardsville in Oldham county via Smithfield and thence to Crestwood in Oldham County, and designating the same as project number ———.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established as a part of the primary system of state highways a road leading from a point on project nineteen at or near Sid Morgan's farm in Henry County to Ballardsville in Oldham County via Smithfield and thence to Crestwood in Oldham County at which point the said road shall intersect with the primary road from La Grange to Louisville, and that said road is hereby designated as project number ———.

§ 2. Said project is hereby declared to be subject to all of the terms and conditions of chapter 17 of the Acts of 1920 establishing and creating a primary system of state highways, and of which said project shall be and become a part.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	J. L. Cushing
Wm. J. Arvin	W. G. Buckner	Marmon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
J. H. Baughman	W. A. Carson	E. J. Doss
T. H. Benton	C. B. Carver	James M. Durham
Shaler Berry	Lee Clark	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	Fred H. Coots	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau

Whitsett Hall	J. R. Kelly	W. J. McGill
Lawrence Harmon	Thos. H. King	F. T. Nichols
J. F. Harrison	Oscar Leibson	Smith Park
C. W. Hawkins	W. W. Leslie	Jas. J. Peters
J. M. Hayse	Leon P. Lewis	W. H. Pryor
Goebel B. Henson	B. T. Morris	C. W. Ryans
H. M. Holbrook	J. S. Milliken	Chas. L. Seale
H. B. Holland	A. M. Mercer	M. G. Slusher
S. K. Holland	H. J. Meyers	W. R. Smith
Ira L. Horne	T. R. Moore	E. J. Snyder
J. C. Hutcherson	B. T. Morris	J. G. Swearengin
E. M. Johnson	L. P. Murphy	Mac Swinford
Grover C. Johnson	H. H. Miller	J. L. Valandingham
W. W. Johnson	J. S. Milliken	C. D. Vincent
Mrs. H. G. Jorris	Chas. N. McCarty	W. S. Wallen
W. O. Keller	J. L. McDavid	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 413. An Act to establish a new state primary road project to be known as project No.—, beginning at an intersection with state project No. 20, near Plumville in Mason county, thence northeastwardly to intersect the Inglis Highway at Concord in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from an intersection with state project No. 20, near Plumville in Mason county, Kentucky, to intersect the Inglis Highway at Concord in Lewis county, Kentucky, be and the same is hereby established and designated as a part of the primary system of state highways of the Commonwealth of Kentucky, to be known as state primary road project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in chapter 17, Acts of the General Assembly of 1920, establishing and creating a primary system of state highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	J. L. Cushing
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
J. H. Baughman	Lee Clark	E. J. Doss
T. H. Benton	W. A. Carson	James M. Durham
Shaler Berry	C. B. Carver	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	Fred H. Coots	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau

Whitsett Hall	J. R. Kelly	W. J. McGill
Lawrence Harmon	Thos. H. King	F. T. Nichols
J. F. Harrison	Oscar Leibson	Smith Park
C. W. Hawkins	W. W. Leslie	Jas. J. Peters
J. M. Hayse	Leon P. Lewis	W. H. Pryor
Goebel B. Henson	J. L. Manning	C. W. Ryans
H. M. Holbrook	Shelby Martin	Chas. L. Seale
H. B. Holland	A. M. Mercer	M. G. Slusher
S. K. Holland	H. J. Meyers	W. R. Smith
Ira L. Horne	H. H. Miller	E. J. Snyder
J. C. Hutcherson	J. S. Milliken	J. G. Swearengin
E. M. Johnson	T. R. Moore	Mac Swinford
Grover C. Johnson	B. T. Morris	J. L. Valandingham
W. W. Johnson	L. P. Murphy	C. D. Vincent
Mrs. H. G. Jorris	Chas. N. McCarty	W. S. Wallen
W. O. Keller	J. L. McDavid	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 414. An Act to establish a new State Primary Road Project to be known as Project No. —, beginning at Vanceburg in Lewis County and extending southwardly by way of Mouth of Laurel, Laurel Creek and Harris to intersect the Midland Trail at the most feasible point between Olive Hill and Morehead.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road leading from Vanceburg in Lewis County by way of Mouth of Laurel, Laurel Creek and Harris to intersect the Midland Trail at the most feasible point between Olive Hill and Morehead, be and the same is hereby established and designated as a part of the Primary System of State Highways of the Commonwealth of Kentucky, to be known as State Primary Road Project No. —.

§ 2. The construction, maintenance, supervision and control of said road shall be subject to all the terms and conditions as set out and provided for in Chapter 17, Acts of the General Assembly of 1920, establishing and creating a Primary System of State Highways.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Geo. A. Brown	Fred H. Coots
Wm. J. Arvin	F. W. Bryant	J. D. Cox
W. O. Bach	J. R. Buckman	J. S. Cruse
J. H. Baughman	W. G. Buckner	W. J. Curtis
T. H. Benton	S. J. Bunger	J. L. Cushing
Shaler Berry	W. A. Carson	Mormon B. Daniel
C. H. Berryman	C. B. Carver	J. R. Dorman
W. P. Bowman	Lee Clark	E. J. Doss
D. F. Brown	Lonnie Cooper	James M. Durham

D. E. Edwards	Grover C. Johnson	Chas. N. McCarty
J. O. Evans	W. W. Johnson	J. L. McDavid
D. W. Fowler	Mrs. H. G. Jorris	W. J. McGill
Otto C. Gartin	W. O. Keller	F. T. Nichols
R. E. Glenn	J. R. Kelly	Smith Park
F. A. Gnau	Thos. H. King	Jas. J. Peters
Whitsett Hall	Oscar Leibson	W. H. Pryor
Lawrence Harmon	W. W. Leslie	C. W. Ryans
J. F. Harrison	Leon P. Lewis	Chas. L. Seale
C. W. Hawkins	J. L. Manning	M. G. Slusher
J. M. Hayse	Shelby Martin	W. R. Smith
Goebel B. Henson	A. M. Mercer	E. J. Snyder
H. M. Holbrook	H. J. Meyers	J. G. Swearengin
H. B. Holland	H. H. Miller	Mac Swinford
S. K. Holland	J. S. Milliken	J. L. Valandingham
Ira L. Horne	T. R. Moore	C. D. Vincent
J. C. Hutcherson	B. T. Morris	W. S. Wallen
E. M. Johnson	L. P. Murphy	T. B. Watts

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There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 420. An Act creating and establishing as a part of the primary system of the State Highways of the Commonwealth of Kentucky a road leading from Egner's Ferry in Marshall county via Briensburg and Palma to McCracken county line, to be known and designated as Project No. —.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established as a part of the primary system of state highways of the Commonwealth of Kentucky a road leading from Egner's Ferry, Marshall county, via Briensburg and Palma to McCracken county line.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lonnie Cooper	Lawrence Harmon
Wm. J. Arvin	Fred H. Coots	J. F. Harrison
W. O. Bach	J. D. Cox	C. W. Hawkins
J. H. Baughman	J. S. Cruse	J. M. Hayse
T. H. Benton	W. J. Curtis	Goebel B. Henson
Shaler Berry	J. L. Cushing	H. M. Holbrook
C. H. Berryman	Mormon B. Daniel	H. B. Holland
W. P. Bowman	J. R. Dorman	S. K. Holland
D. F. Brown	E. J. Doss	E. M. Johnson
Geo. A. Brown	James M. Durham	Grover C. Johnson
F. W. Bryant	D. E. Edwards	W. W. Johnson
J. R. Buckman	J. O. Evans	Ira L. Horne
W. G. Buckner	D. W. Fowler	J. C. Hutcherson
S. J. Bunger	Otto C. Gartin	Mrs. H. G. Jorris
W. A. Carson	R. E. Glenn	W. O. Keller
C. B. Carver	F. A. Gnau	J. R. Kelly
Lee Clark	Whitsett Hall	Thos. H. King

Oscar Leibson	B. T. Morris	Chas. L. Seale
W. W. Leslie	L. P. Murphy	M. G. Slusher
Leon P. Lewis	Chas. N. McCarty	W. R. Smith
J. L. Manning	J. L. McDavid	E. J. Snyder
Shelby Martin	W. J. McGill	J. G. Swearengin
A. M. Mercer	F. T. Nichols	Mac Swinford
H. J. Meyers	Smith Park	J. L. Valandingham
H. H. Miller	Jas. J. Peters	C. D. Vincent
J. S. Milliken	W. H. Pryor	W. S. Wallen
T. R. Moore	C. W. Ryans	T. B. Watts

—81

There voted in the negative—

H. A. Pulliam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 137. An Act to amend section 5, project 32 of chapter 17 of the Acts of the General Assembly of 1920, now project 32, under section 4356t-5 of Carroll's 1922 edition of the Kentucky Statutes, and as amended by chapter 234 of the Acts of the General Assembly of 1924, relating to, establishing and designating a primary system of state highways and providing for their construction and maintenance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5, project No. 32 of chapter 17 of the Acts of the General Assembly of 1920, now project 32, under section 4356t-5 of Carroll's 1922 edition of the Kentucky Statutes, and as amended by chapter 234 of the Acts of the General Assembly of 1924, be amended by changing the route of said project between Georgetown and Versailles, so that said project 32 will read as follows:

From Paris to West Liberty, via Mt. Sterling and Frenchburg, and from Paris to Nicholasville, via Georgetown, Paynes Depot, from Paynes Depot down the Leestown turnpike to Midway, thence via Midway to Versailles, Fort Garrett, Pinckard and Keene.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	J. L. Cushing
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	J. R. Dorman
J. H. Baughman	W. A. Carson	E. J. Doss
T. H. Benton	C. B. Carver	James M. Durham
Shaler Berry	Lee Clark	D. E. Edwards
C. H. Berryman	Lonnie Cooper	J. O. Evans
W. P. Bowman	Fred H. Coots	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin
Geo. A. Brown	J. S. Cruse	R. E. Glenn
F. W. Bryant	W. J. Curtis	F. A. Gnau

Whitsett Hall	J. R. Kelly	W. J. McGill
Lawrence Harmon	Thos. H. King	F. T. Nichols
J. F. Harrison	Oscar Leibson	Smith Park
C. W. Hawkins	W. W. Leslie	Jas. J. Peters
J. M. Hayse	Leon P. Lewis	W. H. Pryor
Goebel B. Henson	J. L. Manning	C. W. Ryans
H. M. Holbrook	Shelby Martin	Chas. L. Seale
H. B. Holland	A. M. Mercer	M. G. Slusher
S. K. Holland	H. J. Meyers	W. R. Smith
E. M. Johnson	H. H. Miller	E. J. Snyder
Grover C. Johnson	J. S. Milliken	J. G. Swearengin
W. W. Johnson	T. R. Moore	Mac Swinford
Ira L. Horne	B. T. Morris	J. L. Valandingham
J. C. Hutcherson	L. P. Murphy	C. D. Vincent
Mrs. H. G. Jorris	Chas. N. McCarty	W. S. Wallen
W. O. Keller	J. L. McDavid	T. B. Watts

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There voted in the negative—

H. A. Puliiam —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of twelve o'clock M. having arrived, the House recessed.

At the hour of one o'clock p. m. the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 309. An Act establishing a primary road system project to be known and designated as the "War Veterans' Memorial Project."

Said bill is as follows, viz.:

Preamble: Whereas, the War Mothers of the Commonwealth of Kentucky have evinced a desire that some fitting and suitable memorial to the veterans of the late war, and other wars in which the citizens of Kentucky rendered notable and praiseworthy services, and it being deemed by the Legislature of Kentucky that no more fitting and everlasting tribute could be erected in recognition of such services than that herein provided; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be and now is hereby established a primary road system project, the following, to wit:

Beginning at Warsaw, thence over project No. 64, as already established, over project to Sanford Ford, thence over project No. 59, to Owenton to Frankfort, thence across the Kentucky river from High street to the north end of Capital avenue, thence over Capital avenue to the State Capitol, thence to the old Louisville and Lexington turnpike, up the hill to point where same intersects with the Midland trail.

§ 2. The bridge to be built across the Kentucky river from High street to Capitol avenue shall be known and designated as the "World War Veterans Memorial Bridge," and shall be Kentucky's memorial to Kentucky's ex-service men and which shall be a part of the project as thus established, and the state may, through its State Road Department, lend its aid to the building and maintenance of same as it now does or may hereafter do toward any other primary project; pro-

vided that the state may accept donations in the building of said bridge from any county or city of the Commonwealth, or from civic bodies or private citizens, and from the Kentucky Chapter American War Mothers; and in order to give due and merited recognition to the Kentucky Chapter American War Mothers, there shall be placed on said bridge, when constructed, a suitable tablet showing that said bridge was constructed as a memorial and was conceived by the Kentucky Chapter American War Mothers and constructed through their plan and efforts.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. H. Berryman
W. P. Bowman
D. F. Brown
J. R. Buckman
Lee Clark
W. J. Curtis
J. R. Dorman
E. J. Doss
James M. Durham
D. W. Fowler
Otto C. Gartin
R. E. Glenn
C. W. Hawkins
J. M. Hayse
S. K. Holland
E. M. Johnson
D. C. Jones
Mrs. H. G. Jorris
Thos. H. King
W. W. Leslie
Leon P. Lewis
J. L. Manning
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
L. P. Murphy
J. L. McDavid
Smith Park
H. A. Pulliam
Clint Raymer
R. R. Rogers
C. W. Ryans
Frank L. Strange
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Those who voted in the negative were—

Lewis Allen	D. E. Edwards	Chas. N. McCarty
W. B. Ardery	J. O. Evans	W. J. McGill
Wm. J. Arvin	Whitsett Hall	F. T. Nichols
W. O. Bach	Lawrence Harmon	Caleb Page
J. H. Baughman	J. F. Harrison	J. J. Patterson
Shaler Berry	Goebel B. Henson	Jas. J. Peters
Geo. A. Brown	H. B. Holland	Geo. W. Potter
W. G. Buckner	Ira L. Horne	W. H. Pryor
S. J. Bunger	J. C. Hutcherson	Chas. L. Seale
W. A. Carson	Grover C. Johnson	M. G. Slusher
C. B. Carver	W. W. Johnson	W. R. Smith
J. D. Cox	W. O. Keller	E. J. Snyder
J. S. Cruse	J. R. Kelly	J. G. Swearengin
C. L. Daly	A. M. Mercer	Mac Swinford
Mormon B. Daniel	B. T. Morris	J. L. Valandingham

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Mr. Wallen moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 127. An Act to amend and re-enact sub-sec. 1 of sec. 4606A, subsec. 2 of sec. 4606A, subsec. 3 of sec. 4604A, subsec. 4 of 4606A, and subsec. 6 of sec. 4606A of chapter 118, Kentucky Statutes, 1915 Carroll's Edition and being chap. 12 of Acts of 1914 session of the General Assembly, relating to a uniform system of accounting in the State and County Governments, and providing for penalties for violation of the provisions thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section 1 of section 4606A, Kentucky Statutes, 1915, Carroll's Edition, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

The State Inspector and Examiner is hereby vested with the power and authority to formulate and install a uniform system of accounting and reporting on receipts, use and handling of all public funds due and payable to the Commonwealth of Kentucky, and the distribution thereof to the public officials, the institutions, firms and corporations and individuals entitled thereto, and for use and handling of all public funds by the counties of the Commonwealth of Kentucky, including distribution of receipts and expenditures thereof, as may be required in the administration of the fiscal affairs of the counties of the Commonwealth. The system so adopted shall require each department of the State Government, and each official who receives or expends any of the public funds, to keep an accurate account of receipts and expenditures of their respective departments, so as to show a daily balance of the receipts and disbursements of that department, and said system shall be so constructed that the auditor of public accounts and the state treasurer will each keep a book or books showing a daily balance of receipts and disbursements of all public moneys, and said system shall be so constructed that all officials charged with the collection or disbursements of public money shall be required to report annually to the State Inspector and Examiner of the Commonwealth of Kentucky, the total receipts and disbursement, of each of their several offices or departments.

The system so adopted shall require each county treasurer in all of the counties of the Commonwealth, and all other officers of the county, who receive or disburse county or State funds, to keep an accurate account of receipts and disbursements, so as to show a daily balance of receipts and disburse-

ments, and to conform to the laws governing the fiscal administration of State and county governments. Said system shall be so constructed that all county officials, handling State funds, shall be required to report annually to the State Inspector and Examiner of the Commonwealth, showing receipts and disbursements and such other financial statements as may be required by the said State Inspector and Examiner.

The system so adopted by the State Inspector and Examiner of the Commonwealth of Kentucky, shall be put in operation beginning with the first day of July, 1926, or as soon thereafter as practical.

§ 2. That sub-section 2 of section 4606A, Kentucky Statutes, 1915, Carroll's Edition, be and the same is amended and re-enacted and same as amended and re-enacted shall read as follows:

The State Inspector and Examiner is authorized and empowered to employ an expert public accountant and such other assistants as may be necessary, to devise the proper uniform system of accounting for the state and county governments, and to prepare all books, blank reports, receipts and forms to be used by all officials of the state and county government, who are charged with the duty of collecting or receiving public moneys for the state or county, or charged with the duty of receiving and disbursing state or county funds in any capacity whatsoever.

Should the State Inspector and Examiner employ any such expert public accountant, or assistants, he will enter into a contract with the person or persons, so employed, with the approval of the Governor of the Commonwealth, which contract shall set forth the duties to be performed by the person so employed, the amount to be paid for the services, and a copy of said contract shall be filed in the office of the Secretary of State as a public record, and the auditor of public accounts is directed to pay the compensation due said expert public accountant, or assistants, and other expenses incident to the preparation and adopting of the system of uniform account-

ing, provided for in this act, upon the order of the State Inspector and Examiner, out of any funds not otherwise appropriated.

§ 3. When the State Inspector and Examiner, of the Commonwealth of Kentucky, has formulated and adopted a system of uniform accounting, as required by this act, he shall cause to be prepared and printed all books, blanks, blank reports, receipts and records, necessary to install said system of uniform accounting, and he will deliver to the officers, both state and county, charged with the duty of collecting, disbursing or handling public moneys, both state and county, in any capacity whatsoever, such of the books, blanks, blank reports, receipts and records, as may be necessary for such official, and such official shall from and after July 1st, 1926, or when directed by the State Inspector and Examiner, to use in the performance of their respective duties with reference to the handling and disbursing state and county funds, in any capacity whatsoever.

The failure of any official to use the books, blanks, blank reports, receipts or records, or any of them so required under this act, shall be deemed to be a violation of the provisions thereof.

§ 4. If any official shall willfully refuse to use any book, blank, blank report, receipt or record, or to make any report required by the State Inspector and Examiner of the Commonwealth of Kentucky, such official shall be deemed guilty of a misdemeanor and be subject to indictment in the Franklin Circuit Court, and upon conviction he shall be fined in any sum not less than twenty-five ($25.00) dollars, nor more than five hundred ($500.000) dollars, for each offense.

§ 5. That sub-section 4 of section 4606A, Kentucky Statutes, 1915, Carroll's Edition, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

When the State Inspector and Examiner, of the Commonwealth of Kentucky, shall have adopted the books, blanks,

blank reports, forms, receipts and records, provided for under the provisions of this act, he shall require the public printer to prepare such books, blanks, blank reports, forms, receipts and records, under the existing contract with the Commonwealth of Kentucky, and the cost thereof for the use of State officials shall be paid by the Auditor of Public Accounts, as other printing is now paid, and such books, blanks, blank reports, forms, receipts and records, for county offices and county officials shall be procured and supplied, as now provided by law for such supplies.

§ 6. That sub-section 6 of section 4606A, Kentucky Statutes, 1915, Carroll's Edition, be and the same is amended and re-enacted, and as amended and re-enacted shall read as follows:

The State Inspector and Examiner of the Commonwealth of Kentucky may from time to time change the books, blanks, blank reports, forms, receipts or records, and systems so adopted by him when, in his opinion, a change is necessary in order to conform to existing conditions; provided, however, no change can be made without the approval of the Governor of the Commonwealth of Kentucky.

§ 7. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	T. R. Moore
W. B. Ardery	D. W. Fowler	B. T. Morris
Wm. J. Arvin	Otto C. Gartin	L. P. Murphy
W. O. Bach	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Whitsett Hall	J. L. McDavid
Shaler Berry	Lawrence Harmon	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	Goebel B. Henson	Caleb Page
D. F. Brown	H. M. Holbrook	J. J. Patterson
Geo. A. Brown	H. B. Holland	Jas. J. Peters
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	J. C. Hutcherson	W. H. Pryor
S. J. Bunger	Grover C. Johnson	H. A. Pulliam
C. B. Carver	D. C. Jones	R. R. Rogers
Lonnie Cooper	Mrs. H. G. Jorris	Chas. L. Seale
Fred H. Coots	W. O. Keller	M. G. Slusher
J. D. Cox	J. R. Kelly	W. R. Smith
W. J. Curtis	Thos. H. King	E. J. Snyder
J. L. Cushing	Oscar Leibson	Frank L. Strange
C. L. Daly	Leon P. Lewis	J. G. Swearengin
Mormon B. Daniel	J. L. Mannnig	J. L. Valandingham
J. R. Dorman	A. M. Mercer	Chiles Van Antwerp
E. J. Doss	H. H. Miller	C. D. Vincent
D. E. Edwards	J. S. Milliken	W. S. Wallen

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There voted in the negative—

Clint Raymer —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Leon Lewis offered the following resolutions, viz.:

JOINT HOUSE RESOLUTION

Whereas, certain real estate brokers in cities of the first and second classes paid State license for the fiscal year 1925-26 prior to June 19, 1924, and before the law enacted at the Legislative session of 1924 covering such license went into effect, and said brokers were required under said law to pay an additional license; and,

Whereas, it was not the purpose of said new law to require the payment of two licenses; and

Whereas, there is no statutory remedy to secure the refund of said first licenses paid in advance and before the new law went into effect;

Now Therefore be it resolved by the House of Representatives (the Senate Concurring).

That all such real estate licenses paid prior to June 18, 1924 shall be refunded to the parties so paying them, to the extent of $9.50 each, and that the Auditor of Public Accounts is authorized to draw his warrants therefor, and the Treasurer is authorized to pay said warrants.

Said resolution was adopted.

JOINT HOUSE RESOLUTION

Whereas, Mr. Isaac W. Bernheim, for more than sixty years a resident of this Commonwealth, has generously offered to donate to the State of Kentucky two statues of Kentucky's sons to be placed in Statuary Hall in Washington, and

Whereas, it is the desire of the Legislature of Kentucky to accept with gratitude the offer so graciously made;

Now, therefore, be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring:

First: The offer of Mr. Isaac W. Bernheim to give on be half of the State of Kentucky two statues to be placed in Statuary Hall in Washington, D. C., in accordance with the

laws of the United States governing such statues, is hereby accepted with the thanks of this Commonwealth.

Second: A Commission consisting of the President of the University of Kentucky, the President of the University of Louisville and the President of the Berea College, is hereby created; the duties of said commission to be to select, after proper investigation, those two persons who have been citizens of this Commonwealth, who shall best represent it in Statuary Hall, and name those persons as the subjects for said statues, and said commission is further authorized to make the necessary arrangements for the formal gift of said statues to the United States and the acceptance thereof by the Congress of the United States, or the proper officials thereof.

Third: This resolution, duly certified, shall be sent to Mr. Isaac W. Bernheim as a formal expression to him of the appreciation of the General Assembly of the Commonwealth of Kentucky of his generosity.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 434. An Act relating to revenue and taxation; imposing an excise or license tax on all distilled spirits known as whiskey, brandy, gin, rum or other species of double stamp spirits sold at retail in this State; requiring every individual, association, partnership, joint stock company and corporation selling such distilled spirits at retail to pay said tax for the privilege of engaging in said business; providing for monthly reports for the purpose of ascertaining the amount of tax due; providing for monthly payments of the amount of license tax due; fixing of penalty for failure to make such monthly report and settlement; providing for the manner of distribution of the tax so collected; repealing all other license

and excise taxes on the businesses covered by this act and declaring an emergency to exist.

H. B. 457. An Act relating to revenue and taxation; providing a license or excise tax on the business or occupation of manufacturing distilled spirits, known as whiskey or brandy, or other species of such double stamp spirits in this state, and or the business or occupation of a warehouseman storing such distilled spirits; providing for the distribution of said fund; providing penalties for the violation of its provisions; repealing chapter 5 of the acts of the General Assembly of 1917, enacting in lieu thereof the following act and declaring an emergency to exist.

With the following Senate Amendment thereto, viz.:

Amend H. B. 457 in Senate by striking out of line 7, section 1, and line 13, section 2, page 2 of the printed bill the word "thirty" and insert in lieu thereof the word "ten (10)".

Said Amendment was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	F. W. Bryant	W. J. Curtis
Wm. J. Arvin	J. R. Buckman	Mormon B. Daniel
W. O. Bach	W. G. Buckner	J. R. Dorman
J. H. Baughman	S. J. Bunger	E. J. Doss
W. B. Belknap	W. A. Carson	James M. Durham
Shaler Berry	C. B. Carver	D. E. Edwards
C. H. Berryman	Lee Clark	J. O. Evans
W. P. Bowman	Lonnie Cooper	D. W. Fowler
D. F. Brown	J. D. Cox	Otto C. Gartin

R. E. Glenn
F. A. Gnau
Whitsett Hall
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
H. B. Holland
S. K. Holland
Ira L. Horne
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
J. R. Kelly
Thos. H. King
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
Smith Park
J. J. Patterson
Geo. W. Potter
W. H. Pryor
H. A. Pulliam
Clint Raymer
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
Mac Swinford
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said above named House Bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 279. An Act to amend, repeal and re-enact chapter 82, Acts of the General Assembly of the Commonwealth of Kentucky of 1924, approved by the Governor, March 22, 1924, relating to the classification of cities of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2740 Kentucky Statutes by Carroll, 1915 Edition; also Chapter 83 of the Acts of the General Assembly of Kentucky 1916; also Chapters 11 and 164 of the Acts of the General Assembly of Kentucky, 1920; also Chapter 108 of the Acts of the General Assembly of Kentucky, 1922; also Chapter 82 of the Acts of the General Assembly of Kentucky, 1924; all of which relate to the classification of cities, be and each of them are hereby repealed, amended and re-enacted and when so repealed, amended and re-enacted shall read as follows:

"The cities and towns of the Commonwealth are classified as follows:

"First Class—Louisville, Jefferson County.

"Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

"Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

"Fourth Class—Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Franklin, Simpson County;

Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Highland Park, Jefferson County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Clifton, Campbell County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgiss, Union County; Prestonsburg, Floyd County.

"Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand River, Livingston County; Greenville Muhlenberg County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County; Owenton, Owen County; Burnsides, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Hustonville, Lincoln County; Drakesboro, Muhlenberg County; Tompkinsville, Monroe County; Helier, Pike County; Perry-

ville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkhorn City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Lawrence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County.

"Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the sixth class, provided that all officers not holding offices in any of the cities changed from a class other than they were at the time such officers were elected will hold their offices until the term for which they were elected has expired and until their successor has been elected and qualified."

§ 2. Whereas, it is necessary for the assigned cities mentioned herein to make their tax levy for this year under the charter of the town to which they are assigned, an emergency is hereby declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor. All acts or parts of acts inconsistent herewith are hereby repealed.

Mr. McDavid offered the following amendment to said bill, viz.:

Amend S. B. 279 by striking out "Grayson, Carter County," page 3, line 65.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	Shelby Martin
W. B. Ardery	J. R. Dorman	A. M. Mercer
Wm. J. Arvin	E. J. Doss	J. S. Milliken
W. O. Bach	D. E. Edwards	T. R. Moore
J. H. Baughman	Otto C. Gartin	B. T. Morris
W. B. Belknap	R. E. Glenn	Chas. N. McCarty
T. H. Benton	F. A. Gnau	W. J. McGill
C. H. Berryman	C. W. Hawkins	Caleb Page
W. P. Bowman	J. M. Hayse	J. J. Patterson
D. F. Brown	Goebel B. Henson	Geo. W. Potter
Geo. A. Brown	H. M. Holbrook	W. H. Pryor
F. W. Bryant	H. B. Holland	H. A. Pulliam
J. R. Buckman	S. K. Holland	W. R. Smith
W. G. Buckner	Ira L. Horne	E. J. Snyder
S. J. Bunger	E. M. Johnson	Frank L. Strange
C. B. Carver	Grover C. Johnson	J. G. Swearengin
Lee Clark	W. W. Johnson	Mac Swinford
Lonnie Cooper	W. O. Keller	J. L. Valandingham
Fred H. Coots	J. R. Kelly	Chiles Van Antwerp
J. D. Cox	Thos. H. King	C. D. Vincent
J. S. Cruse	Oscar Leibson	W. S. Wallen
J. L. Cushing	J. L. Manning	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 258. An Act fixing the time when any person convicted for a felony, may file an application for a parole before the Board of Prison Commissioners and repealing such laws as may be in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. After any prisoner serving a sentence of ten years or less or sentences aggregating ten years or less, has been confined in one of the penal institutions of this state for at least two years of the sentence or sentences imposed upon such prisoner by the judgment of the court wherein he was convicted and sentenced, he may file an application for a parole with the Board of Prison Commissioners. After any prisoner serving a sentence or sentences, aggregating more than ten years and not more than twenty-one years, shall have been confined in one of the penal institutions of this state for at least five years of the sentence or sentences imposed upon such prisoner by the judgment of the court wherein he was convicted and sentenced, he may file an application for parole with the Board of Prison Commissioners. Persons convicted for life or persons sentenced for more than twenty-one years to one of said institutions, shall not be allowed to file an application for parole until eight years have elapsed, since the said prisoner was confined in said institution.

§ 2. All laws and parts of laws in conflict herewith, are hereby repealed.

Mr. Wallen offered the following amendments thereto, viz.:

Amend S. B. 258 by striking from line 3 of section 1, the words "at least two years" and inserting in lieu thereof the words "one half."

Amend S. B. 258 by striking from line 9 of section 1, the word "five" and inserting in lieu thereof the word "six."

Said amendments were agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the negative were—

Lewis Allen	Lawrence Harmon	W. J. McGill
Wm. J. Arvin	J. M. Hayse	F. T. Nichols
W. O. Bach	H. M. Holbrook	Smith Park
T. H. Benton	S. K. Holland	W. H. Pryor
W. P. Bowman	Ira L. Horne	Clint Raymer
D. F. Brown	E. M. Johnson	R. R. Rogers
F. W. Bryant	W. W. Johnson	C. W. Ryans
W. G. Buckner	Mrs. H. G. Jorris	Chas. L. Seale
C. B. Carver	Thos. H. King	M. G. Slusher
J. L. Cushing	J. L. Manning	W. R. Smith
C. L. Daly	Shelby Martin	E. J. Snyder
J. R. Dorman	A. M. Mercer	Frank L. Strange
E. J. Doss	H. J. Meyers	J. G. Swearengin
James M. Durham	H. H. Miller	C. D. Vincent
D. E. Edwards	J. S. Milliken	W. S. Wallen
Otto C. Gartin	T. R. Moore	
F. A. Gnau	J. L. McDavid	

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Those who voted in the negative were—

J. H. Baughman	J. R. Buckman	Lonnie Cooper
W. B. Belknap	S. J. Bunger	Fred H. Coots
C. H. Berryman	W. A. Carson	J. D. Cox

Mormon B. Daniel	Goebel B. Henson	Chas. N. McCarty
J. O. Evans	H. B. Holland	J. J. Patterson
D. W. Fowler	J. C. Hutcherson	Geo. W. Potter
R. E. Glenn	Grover C. Johnson	Mac Swinford
Whitsett Hall	Oscar Leibson	J. L. Valandingham
J. F. Harrison	Leon P. Lewis	Chiles Van Antwerp
C. W. Hawkins	L. P. Murphy	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 19. An Act to require any driver of any vehicle on a public highway, on approaching railway and interurban grade crossings, which have been designated as "unsafe" by the State Highway Commission, to stop, look and listen, before passing thereover, and to require Highway Commissioners to erect and maintain stop signs for such crossings; and to require railway and interurban companies to furnish and deliver said signs; and providing penalties for non-compliance to stop, look and listen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That wherever in this State the main track or tracks of any railroad or interurban railway shall cross at grade a public highway, the State Highway Commission may desig-

nate such crossing as "unsafe," and it shall be unlawful for the driver of any vehicle to cross such crossing without first bringing such vehicle to a full stop at not less than ten (10) feet, nor more than thirty (30) feet from the nearest rail of such track or tracks.

The phrase "main track or tracks," as used in this section, shall mean any railroad or interurban track or tracks over which regularly scheduled trains or cars are operated.

§ 2. That at such crossings as are designated "unsafe," the State Highway Commission shall place and maintain on each side of the track or tracks, on the right side of the highway, not more than 100 feet from said track or tracks, a sign board not less than six (6) feet from the ground, eighteen (18) inches by thirty-six (36) inches, with the inscription "Stop—Kentucky Law."

§ 3. That railroad or interurban companies shall furnish and deliver at crossings so designated by said State Highway Commission as "unsafe," the described signs as set out in Section 2 hereof, within sixty (60) days.

§ 4. That any driver of any vehicle included in this Act, violating the provisions of this Act, shall be fined not less than twenty ($20.00) dollars, nor more than one hundred ($100.00) dollars for each offense, in the discretion of the court or jury trying the case.

Provided that the failure to observe the provisions of this Act shall in no way change or alter the liability of any railroad or interurban railway in the trial of any civil case brought to recover damages against such railroad or interurban railway for death or injuries to person or property.

Provided further, that the provisions of this Act shall not apply to grade crossings at which have been constructed and maintained gates, electric warnings, signals, or other automatic audible signals, or which are protected by watchmen.

§ 5. In the event any phrase, sentence, paragraph or section hereof shall be declared unconstitutional, such action shall not, in any way, affect the remaining portions of the Act.

Mr. Milliken offered the following Amendment to said bill, viz.:

Amend S. B. 19 by striking therefrom entire section 5, and inserting in lieu thereof the following: Section 5. In the event the clause "providing that failure to observe the provision of this act shall in no way change or alter the liability of any railroad or interurban railroad in the trial of any civil cases brought to recover damages against such railroad or interurban for death or injuries to person or property shall be declared unconstitutional, then the entire act shall be non-effective."

Said Amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. O. Bach	C. L. Daly	Mrs. H. G. Jorris
J. H. Baughman	Mormon B. Daniel	Thos. H. King
T. H. Benton	E. J. Doss	Oscar Leibson
Shaler Berry	James M. Durham	W. W. Leslie
C. H. Berryman	Otto C. Gartin	Leon P. Lewis
W. P. Bowman	F. A. Gnau	J. L. Manning
D. F. Brown	Lawrence Harmon	H. J. Meyers
F. W. Bryant	J. M. Hayse	H. H. Miller
J. R. Buckman	H. M. Holbrook	T. R. Moore
W. G. Buckner	H. B. Holland	B. T. Morris
C. B. Carver	Ira L. Horne	J. L. McDavid
Lonnie Cooper	J. C. Hutcherson	W. J. McGill
J. L. Cushing	Grover C. Johnson	F. T. Nichols

Caleb Page	Philip J. Ryan	C. D. Vincent
W. H. Pryor	C. W. Ryans	W. S. Wallen
H. A. Pulliam	Frank L. Strange	T. B. Watts
R. R. Rogers	J. G. Swearengin	

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Those who voted in the negative were—

W. B. Ardery	D. W. Fowler	L. P. Murphy
W. B. Belknap	R. E. Glenn	Chas. N. McCarty
Geo. A. Brown	Whitsett Hall	J. J. Patterson
S. J. Bunger	C. W. Hawkins	Jas. J. Peters
W. A. Carson	Goebel B. Henson	Geo. W. Potter
Lee Clark	S. K. Holland	Chas. L. Seale
Fred H. Coots	E. M. Johnson	W. R. Smith
J. D. Cox	W. W. Johnson	Mac Swinford
W. J. Curtis	W. O. Keller	J. L. Valandingham
J. R. Dorman	J. R. Kelly	Chiles Van Antwerp
D. E. Edwards	A. M. Mercer	
J. O. Evans	J. S. Milliken	

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Resolved that the title thereof be as amended.

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 266. An Act to provide for appeals from assessments of boards of supervisors and equalizers in cities and towns of the fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any tax payer feeling himself aggrieved by the action of any board of supervisors or equalizers in a city or town of the fourth, fifth or sixth class in assessing or increasing the valuation of his, her or its property for taxation, may appeal to the quarterly court of the county, within thirty days after the final adjournment of said board, by filing with the judge of said court a certified copy under the hand of the clerk of said board of the action of said board. The fee of the clerk for said copy shall be fifty cents, and if he shall fail or refuse to furnish the party desiring to appeal with a certified copy of the action of said board against such tax payer on demand therefor and tender of his said fee for such copy, the party may appeal within said time by filing his affidavit of such demand and tender with the judge of the quarterly court, who shall thereupon make an order directing such clerk to furnish and file such copy. The quarterly court shall hear evidence and pass upon such appeal, and either party may appeal to the circuit court as in other cases. It shall be the duty of the city attorney to represent said board in said matter.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	T. H. Benton	D. F. Brown
Wm. J. Arvin	Shaler Berry	Geo. A. Brown
W. O. Bach	C. H. Berryman	F. W. Bryant

J. R. Buckman	C. W. Hawkins	L. P. Murphy
W. G. Buckner	J. M. Hayse	Chas. N. McCarty
S. J. Bunger	Goebel B. Henson	W. J. McGill
W. A. Carson	H. B. Holland	F. T. Nichols
C. B. Carver	Ira L. Horne	Caleb Page
Lonnie Cooper	J. C. Hutcherson	J. J. Patterson
J. D. Cox	Grover C. Johnson	Jas. J. Peters
J. L. Cushing	W. W. Johnson	Geo. W. Potter
C. L. Daly	Mrs. H. G. Jorris	W. H. Pryor
Mormon B. Daniel	J. R. Kelly	H. A. Pulliam
E. J. Doss	Thos. H. King	Philip J. Ryan
James M. Durham	Oscar Leibson	M. G. Slusher
J. O. Evans	W. W. Leslie	W. R. Smith
D. W. Fowler	Leon P. Lewis	Frank L. Strange
Otto C. Gartin	A. M. Mercer	J. G. Swearengin
F. A. Gnau	H. J. Meyers	W. S. Wallen
Whitsett Hall	H. H. Miller	T. B. Watts
Lawrence Harmon	T. R. Moore	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 393. An Act permitting all ex-Union soldiers, and sailors, all ex-service men of the Spanish-American War, and all ex-service men of the World War, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any honorably discharged ex-Union, ex-Confederate soldier or sailor, or honorably discharged ex-service man of the Spanish-American War, or any honorably discharged ex-service man of the World War, desiring to peddle, vend, hawk or sell goods, wares, merchandise, clocks, watches, jewelry, gold, silver or plated ware, spectacles, patent medicines, perfumery, fruits, vegetables, meats and any other merchandise in any county, town, village, incorporated city or municipality in the State of Kentucky, shall file a sworn application for license for that purpose with the judge of any county court in the State of Kentucky, such application stating his name, address, that he is an honorably discharged soldier or sailor or ex-service man of one of the above named wars, and upon proof of such applicant that he is qualified to be granted license because of being an honorably discharged soldier or sailor or ex-service man of one of the above named wars, shall be granted license by such county judge of any county, without the payment of any fees or costs or taxation therefor, to do such business in any county, town, village, incorporated city or municipality in the State of Kentucky for the period of one year from the issual of license. Any person making a false statement in such sworn application for license shall be deemed guilty of false swearing and shall be punished therefor as provided by the laws of the State of Kentucky.

§ 2. County courts of any county of this state shall have exclusive jurisdiction to grant license to any ex-Union soldiers and sailors, and any ex-service man of the Spanish-American War, and any ex-service man of the World War as provided in this act, and he shall issue license to such applicant as follows:

State of Kentucky

County Judge's Office.

County of .....

Know ye, that ..... having proved to my satisfaction that he had served as a ..... in the service of the United States or Confederate army, during the late

Rebellion, the Spanish-American War, or the World War, and had been honorably discharged therefrom, and having fully complied with the law, to entitle him to a peddler's license; such license is hereby granted; and he is authorized to vend and sell the goods, wares and merchandise of ..... and to travel as a peddler or traveling merchant.

He is granted the privilege to pursue his calling within the limits of the State of Kentucky, for the term of one year from the date hereof, and is exempted from paying any municipal or other license during the said period.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at ....., Kentucky, this the ..... day of ....., 19.....

.....,

Judge of the ..... County Court.

§ 3. Any successful applicant under this act who is granted license hereunder, shall be exempt from paying any tax, fee or other license to any county, town, village, incorporated city or municipality in the State of Kentucky, and all counties, towns, villages, incorporated cities or municipalities are prohibited to regulate or legislate upon such successful applicant's right to operate in the State of Kentucky as herein provided.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

T. H. Benton	W. W. Johnson	Geo. W. Potter
W. P. Bowman	Mrs. H. G. Jorris	W. H. Pryor
W. J. Curtis	W. W. Leslie	C. D. Vincent
J. L. Cushing	J. L. Manning	W. S. Wallen
C. L. Daly	F. T. Nichols	T. B. Watts
J. C. Hutcherson	Caleb Page	

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Those who voted in the negative were—

Wm. J. Arvin	Mormon B. Daniel	Thos. H. King
W. O. Bach	J. R. Dorman	Oscar Leibson
J. H. Baughman	E. J. Doss	Leon P. Lewis
W. B. Belknap	D. E. Edwards	Shelby Martin
Shaler Berry	J. O. Evans	H. J. Meyers
C. H. Berryman	R. E. Glenn	H. H. Miller
D. F. Brown	Whitsett Hall	T. R. Moore
J. R. Buckman	J. F. Harrison	L. P. Murphy
W. G. Buckner	Goebel B. Henson	Chas. N. McCarty
S. J. Bunger	H. B. Holland	R. R. Rogers
C. B. Carver	S. K. Holland	Frank L. Strange
Lee Clark	Ira L. Horne	Chiles Van Antwerp
J. D. Cox	Grover C. Johnson	

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Mr. Wallen moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 2. An Act providing for the protection and assistance of aged needy persons in the Commonwealth of Kentucky and allowing the counties to adopt the provisions of this

act and prescribing penalties for violation of the provisions hereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fiscal court or county commissioners of each of the counties of the state may, after first adopting the provisions of this act, establish a system of old age pensions in accordance with the provisions provided herein and may levy, collect and disburse such sums of money from the general funds of their county as may be necessary to comply with the provisions of this act. After having operated under such system for one (1) year or more, any county may abandon such system.

§ 2. Any person while residing in a county which maintains a system of old age pensions, who shall comply with the provisions of this act, shall be entitled to a pension in old age. The amount of such pension shall be fixed by the county judge with due regard to the conditions in each case, but in no case shall it exceed two hundred and fifty ($250.00) dollars per annum.

§ 3. An old age pension may be granted only to an applicant who has attained the age of seventy (70) years or upwards, and has been a citizen of the United States for at least fifteen (15) years before making application for a pension and has resided in the state and county in which he makes application for at least ten (10) years immediately preceding the date of application.

§ 4. That no person shall be entitled to an old age pension who is a professional beggar or who, by manual labor or by his or her skill or knowledge in any profession, trade or craft is able to earn any sum in excess of four hundred ($400.00) dollars per annum or who receives a pension from the United States or any state or foreign government or from any

source which, when added to his or her earnings will exceed the sum of four hundred ($400.00) dollars or who possesses property to the value of twenty-five hundred ($2,500.00) dollars or more, or who has an income from any source, in excess of four hundred ($400.00) dollars per annum or who is an inmate of any state, county or charitable institution within this state or any other state or who had deprived himself or herself, directly or indirectly, of any property for the purpose of qualifying for old age relief or who has a child or other person responsible under the laws of this state for his or her support and able to support such applicant.

§ 5. On the death of the person pensioned under the provisions of this act or of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension, together with simple interest at three (3%) per cent annually, shall be allowed and deducted from the estate of such person or persons by the court having jurisdiction to settle the estate. The amount so recovered shall be paid into the treasury of the county where said pension was paid and become a part of the old age pension fund of said county.

§ 6. An applicant for a pension shall file his or her application in writing with the county judge of the county in which he resides in such manner and form as shall be prescribed by the fiscal court or county commissioners. The county judge shall promptly make or cause to be made investigations as he may deem necessary and shall decide upon the application and fix the amount of the pension, if any, and such decision shall be final. An applicant whose application for a pension has been rejected may not again apply for a pension until the expiration of twelve (12) months from the date of his previous application. The county judge shall issue to each applicant, to whom a pension is allowed, a certificate stating the date upon which pension payments shall commence and the amount of each installment, which may be monthly or quarterly, as the judge may decide. Each pensioner under the provisions of this act shall file such reports with the county judge

as requested by the fiscal court or county commissioners. If it appears at any time that the applicant's circumstances have changed, the county judge may revoke or modify any pension certificate issued.

§ 7. Any person, who by means of a wilfully false statement or representation or by impersonation or other fraudulent devise, obtains or attempts to obtain or aids or abets any person to obtain a pension certificate, to which he is not entitled, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred ($500.00) dollars or imprisonment in the county jail for not more than one (1) year or punished by both such fine and imprisonment.

§ 8. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected, having failed to receive a necessary constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

T. H. Benton	C. W. Hawkins	L. P. Murphy
Shaler Berry	J. M. Hayse	J. L. McDavid
C. H. Berryman	E. M. Johnson	Caleb Page
W. P. Bowman	Grover C. Johnson	W. H. Pryor
D. F. Brown	Mrs. H. G. Jorris	H. A. Pulliam
W. G. Buckner	W. O. Keller	R. R. Rogers
J. L. Cushing	Thos. H. King	Philip J. Ryan
C. L. Daly	W. W. Leslie	Frank L. Strange
E. J. Doss	Leon P. Lewis	J. L. Valandingham
D. W. Fowler	J. L. Manning	W. S. Wallen
Otto C. Gartin	Shelby Martin	T. B. Watts
F. A. Gnau	H. J. Meyers	

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Those who voted in the negative were—

W. B. Ardery	Lee Clark	S. K. Holland
Wm. J. Arvin	Lonnie Cooper	Ira L. Horne
W. O. Bach	J. D. Cox	J. C. Hutcherson
J. H. Baughman	Mormon B. Daniel	Oscar Leibson
W. B. Belknap	James M. Durham	H. H. Miller
Geo. A. Brown	D. E. Edwards	Chas. N. McCarty
F. W. Bryant	J. O. Evans	W. J. McGill
J. R. Buckman	R. E. Glenn	J. J. Patterson
S. J. Bunger	Whitsett Hall	Geo. W. Potter
W. A. Carson	Goebel B. Henson	Chiles Van Antwerp
C. B. Carver	H. B. Holland	

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At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 67. An Act relating to mines and mining, defining the rights and duties of coterminous owners, prohibiting encroachments, and prescribing methods for enforcing the provisions hereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No owner or tenant of any lands containing coal shall open or sink, or dig, excavate or work in any coal mine or shaft, on such land, within five feet of the line dividing said land from that of another person or persons, without the consent, in writing, of every person interested in, or having title to, such adjoining lands in possession, reversion, or remainder, or of the guardians of any such persons as may be infants. If any person shall violate this section, he shall be liable to the person or persons injured thereby, who may sue for same, in the sum of Five Hundred Dollars; Provided, that

nothing in this Act shall deprive such injured person or persons from pursuing any and all other remedies now provided or that may hereafter be provided by law for recovery of damages for injuries done to their properties.

§ 2. The owner, tenant or occupant of any land on which a coal mine is opened and worked, or his agent shall permit any person interested in, or having title to, any land coterminous with that in which such coal mine is, to have ingress and egress with surveyors and assistants to explore and survey such mine at his own expense, and not oftener than once a month for the purpose of ascertaining whether or not the preceding section has been violated. Every owner, tenant, occupant or agent who shall refuse such permission, exploration or survey, shall be liable to the person so refused in the sum of Twenty Dollars for each refusal, for which the person so refused may maintain an action as provided by law.

§ 3. The judge of the county in which such mine is located, before whom complaint of such refusal is made, shall issue a summons to such owner, tenant, occupant or agent to answer such complaint. On the return of the summons executed, and proof that the complainant has right of entry, and that he has been refused without sufficient cause, the judge shall designate an early and convenient time for such entry to be made and issue his warrant commanding the sheriff of the county to attend and prevent obstructions and impediments to such entry, exploration and survey. The cost of such summons, and a fee of three dollars to the sheriff executing the warrant, shall be paid by the person whose refusal caused the complaint. But if the judge dismiss the complaint, the costs shall be paid by the party making it; Provided, that either party may have the right of appeal as in other actions.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	Mormon B. Daniel	Thos. H. King
W. O. Bach	J. R. Dorman	Oscar Leibson
J. H. Baughman	James M. Durham	W. W. Leslie
W. B. Belknap	D. E. Edwards	Leon P. Lewis
Shaler Berry	J. O. Evans	Shelby Martin
C. H. Berryman	D. W. Fowler	H. J. Meyers
W. P. Bowman	R. E. Glenn	H. H. Miller
D. F. Brown	F. A. Gnau	T. R. Moore
J. R. Buckman	Whitsett Hall	L. P. Murphy
S. J. Bunger	C. W. Hawkins	W. J. McGill
Lee Clark	H. B. Holland	J. J. Patterson
Lonnie Cooper	S. K. Holland	W. H. Pryor
J. D. Cox	J. C. Hutcherson	Frank L. Strange
W. J. Curtis	Grover C. Johnson	C. D. Vincent
C. L. Daly	W. W. Johnson	W. S. Wallen

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Those who voted in the negative were—

T. H. Benton	J. L. Manning

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 102. An Act creating a State Text Book Commission to adopt for use in the public schools of Kentucky a uniform series of textbooks, defining the powers, qualifications and duties of said commission and its members, regulating the price, method of selection, sale and distribution of such text books, prescribing conditions to be complied with and penalties for violation of the various provisions of this act, and expressly repealing chapter 13 of the Acts of the General Assembly of Kentucky of 1910, approved March 15, 1910, as amended by chapter 8 of the Acts of 1918, approved March 4, 1918, and as amended by chapter 110 of the Acts of 1918, approved March 29, 1918, said Act of March 15, 1910 as thus finally amended now being Articles 5a and 5b of chapter 113, (or sections 4421a-1 to 4421a-30 inclusive and also sections 4421b-1 to 4421b-32 inclusive) of the Kentucky Statutes, Carroll's 1922 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby created a State Text Book Commission which shall consist of twelve members, two of whom shall be ex-officio members, namely, the Governor of the Commonwealth, and the State Superintendent of Public Instruction, and ten of whom shall be appointed by the Governor at such time or times and in the manner hereinafter provided:

All members first appointed under this Act shall be appointed during the month of April, 1926. Five of the members so appointed shall serve for two years, and five for four years, from and after their appointment, and until their successors are appointed and qualified, the terms of the respective members to be designated in their appointment. Upon the expira-

tion of the term for which each of said members is appointed, his successor shall be appointed for a period of four years. Thereafter, the terms of each and all appointive members shall in like manner be for a period of four years and the appointments shall be so made that the terms of five members expire every two years, thus providing for a continuous commission having thereon at each adoption of books a majority of experienced members. All vacancies on said commission shall be filled for the unexpired term in the same manner as original membership is determined.

§ 2. No less than one, nor more than two, of said appointive members shall be selected at any one time from each district as now existing by law from which the judges of the Court of Appeals of Kentucky are elected. Among such appointive members there shall be one member of the faculty of each of the State Normal schools at Richmond and Bowling Green, and one member of the faculty of the University of Kentucky.

No person who is or has been in the employment of, or owns, or has, or has owned any interest whatsoever, either directly or indirectly, in any text book company or book concern shall be eligible to be appointed or to serve on said commission.

§ 3. Each member of said commission shall be required before acting as such to qualify by taking and subscribing to an oath, which shall be prepared and furnished by the Attorney General, that he does not come within the exceptions enumerated in the preceeding section, (section 2 hereof), that he will not accept employment from any text book company or book concern within two years next after serving on said commission, and that he will faithfully discharge his duties as required both by the letter and spirit of this law. Said oath, in writing, shall be filed and retained in the office of the Superintendent of Public Instruction.

§ 4. The Governor shall be ex-officio chairman, and the State Superintendent of Public Instruction shall be ex-officio secretary, of said commission. The commission at its first

meeting to be held on the first Monday in October, 1926, and at a like meeting to be held every two years thereafter, shall formulate rules and regulations consistent with this law for its government. A special meeting may be called at any time by the chairman when necessary to effectuate the general purposes of this Act. No less than seven members shall constitute a quorum for the transaction of all business. All records and contracts shall be signed by the chairman and secretary. A complete copy of such records and minutes of each meeting of said commission shall be filed and permanently retained in the offices of its chairman and secretary, respectively.

§ 5. All adoptions of text books for use in the elementary and secondary schools of this State shall, hereafter, be made by the State Text Book Commission in accordance with the terms of this Act.

§ 6. All text books hereafter adopted by the State Text Book Commission for the elementary and secondary schools in Kentucky shall be uniform throughout the entire state as to each grade in each of said schools, it being the purpose of this section to provide for a statewide uniform adoption of books for all the schools in this state.

§ 7. The uniform series of text books to be selected by the commission shall include all branches authorized or required, or that may hereafter be authorized or required by law to be taught in the common, elementary and high schools in this state, and the books so adopted shall be introduced and used as the authorized texts to the exclusion of all others in said schools, except as hereinafter provided, for a period of eight years from the date of adoption, and it shall be unlawful for any teacher or other school officer to use, or for any board of education to permit to be used, any books upon the same branches other than those adopted by the commission.

However, nothing herein shall prevent the use of such supplementary books recommended by the commission as are deemed essential by the various boards of education to be used in conjunction with prescribed texts in the schools of

their respective counties or districts, but such supplementary books shall in no event supersede or be used to the exclusion of the books prescribed under this Act.

The commission shall not adopt supplementary books for any county or district in Kentucky, but it shall recommend to the various boards of education a list of four supplementary books for each subject for which supplementary books are deemed necessary to be used in connection with the basal texts, or fewer, if this many books are not available for any given subjects, and no other may be used. It shall be expressly stated in such recommendation that it is optional with the boards of each of the rural, graded and city school districts as to whether or not either of said supplementary books so recommended shall be used.

Any member or members of any board of education, superintendent, teacher, or other person violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and all such fines shall be covered into the treasury to the school fund of the county in which such fine may be assessed, and the Superintendent of Public Instruction is hereby authorized and it shall be his duty to revoke the certificate of any superintendent or teacher upon conviction under this section.

§ 8. No text books shall be used in the public schools of the Commonwealth which contain any thing of a partisan, sectional or sectarian character.

§ 9. The State Text Book Commission shall meet on the first Monday in October, 1928, and every second year thereafter, for the purpose of considering in what subjects text books shall be changed or re-adopted, and as to what subject contracts for text books shall be extended; provided, that at each biennial period changes shall not be made in more than twenty-five (25%) per centum of the total number of text books in use, or authorized to be used, in each of the elemen-

tary and secondary fields in the respective classifications of schools provided for in section six hereof. In computing the number of changes so allowed in each field, the calculations shall be based upon the total number of books used in that field considered separately. Each series of books used in the respective grades in penmanship shall be considered in this connection as comprising one text book.

Nothing in this Act shall be construed as requiring the commission to change any adopted text book unless such change be deemed fully justified in promoting the best interests of the school children of Kentucky.

§ 10. The commission shall cause to be published on or before November 30, 1928, and every second year thereafter, in two or more daily newspapers in Kentucky, the list of books to be changed or re-adopted and shall supply this information to all publishers qualified under this Act to do business in this State, and shall also designate in said notice a time and place for receiving sealed bids or proposals from such publishers for furnishing the book or books so listd in acordance with this law. Such advertisement or notification shall reserve to the commission the right to reject any and all bids.

§ 11. All bids on books to be adopted or re-adopted hereunder shall be filed with the secretary of the commission on or before the first Monday in January, 1929, and every two years thereafter. Such bids and proposals shall be subject to the provisions hereinafter set forth, for furnishing books for such periods as are stated in said advertisements for bids. The bids shall state specifically the net wholesale or contract price at which each of said books, if adopted, will be furnished to authorized dealers within the respective counties and districts of Kentucky, and the exchange and retail price to the pupils. All bids shall be sealed and deposited with the secretary of the commission to be delivered to, and opened before the commission in executive session. It shall be the duty of the commission to preserve for comparison the speci-

men copies of all books filed with it, together with the original bids or proposals.

§ 12. The commission shall meet in executive session in the State Capitol at Frankfort, Kentucky, on the third Monday in January, 1929, and every two years thereafter, for the purpose of considering such bids and proposals, the authorized adoption and re-adoption of books, and any other business properly coming before it at such time or times. From the list of all books, submitted to them for consideration, and upon which they receive bids, for each authorized subject in the elementary and secondary fields, they shall, by a majority vote, select a single list of basal texts for use in said schools and shall adopt same for a period of ten years, provided, that in order to start in operation and render effective the gradual change herein contemplated and provided for, the commission shall, at the first adoption and re-adoption made hereunder in the year 1929, adopt or re-adopt twenty (20%) per cent of the basal texts to be used in each class of schools in each of the elementary and secondary fields for a period of ten (10) years, and the remaining eighty (80%) per cent of such books to be used in said schools shall, if satisfactory bids thereon be obtained, be re-adopted from the books then in use, said books to be re-adopted in the following manner, to-wit: twenty (20%) per cent for a period of eight years, twenty (20%) per cent for a period of six (6) years; twenty (20%) per cent for a period of four (4) years, and twenty (20%) per cent for a period of two (2) years, at the expiration of each of which periods new contracts of adoption or re-adoption shall be made for books on the same subjects which contracts shall extend for a period of ten (10) years in accordance with the terms and general plan of this act, and provided further, that in the event no bids satisfactory to a majority of the members of the commission are submitted on any book or books required to be re-adopted in the year 1929, then the commission shall immediately readvertise for sealed bids and new basal texts for any subject or subjects for which no texts are

re-adopted, which bids shall state the net exchange price and the net wholesale or net contract price at which said book or books will be furnished to authorized dealers and school districts in Kentucky for periods of two, four, six and eight years, respectively, and said bids shall also contain valid optional clauses so drafted as to confer upon the commission the right, if said book or books be adopted, to extend upon thirty (30) days' written notice the contract or contracts thereon for an additional period of ten (10) years from and after the expiration thereof, and the commission shall upon the date so fixed proceed with the adoption in the same manner as in the first instance, except that the contracts shall provide for the periods and optional clauses as hereinabove described.

The commission, at all other adoptions or re-adoptions hereunder, shall also have and reserve the right to reject any and all bids for reasons satisfactory to a majority of the members, and in case of failure to select from the bids submitted a satisfactory textbook upon any of the branches prescribed by law, the commission shall advertise for sealed bids under the same terms and conditions, and shall proceed with the adoption as in the first instance.

§ 13. After having thoroughly examined all books submitted for adoption, the commission shall, at the time designated in the preceding section, go into executive session and exclude all agents of all publishers after said date from further interviews and representations, and it shall be a misdemeanor, after such date, for the agent of any publisher, or for any person or agent whatever, representing or soliciting for such publisher, to be present in any of such executive sessions, and upon being found guilty of violating this section, such agent, person or publisher shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars, or by imprisonment in the county jail for not less than six nor more than twelve months, or by both such fine and imprisonment. All such fines shall be covered into the State Treasury for the benefit of the State school fund.

§ 14. The commission may from time to time make any regulations not contrary to the provisions of this Act to secure the prompt and faithful performance of all contracts, and the prompt distribution of the books herein provided for.

§ 15. The commission, in the selection and adoption of a uniform series of text books for the State, shall consider the merits of the books, taking into consideration the printing, binding, material and mechanical qualities, but more particularly the subject matter, their general suitability and desirability for the purposes intended, and the price.

§ 16. After any adoption shall have been made the commission shall award the contracts, and shall, by registered letter, notify the bidders to whom contracts may have been awarded.

§ 17. It shall be the duty of the Attorney General to prepare and have printed a form of contract between the State Text Book Commission and publishers of school books, and no other form of contract shall be used by the State Text Book Commission and publishers in carrying out the provisions of this Act.

§ 18. It shall always be a part of the terms and conditions of every contract made in pursuance of this Act, that the Commonwealth of Kentucky shall not be liable to any contractor or book company in any manner whatever, for any sum of money, and all such contractors or book companies shall receive their pay and compensation solely and exclusively from the proceeds of the sale of said books, as provided for in this Act.

§ 19. For the distribution and sale of books adopted by the state text book commission to the patrons of the schools of the state, the county board of education, or the city board of education as herein provided, shall appoint one or more responsible merchants or other agents in each educational division of the counties and cities hereinabove mentioned, of good financial rating, in locations selected with reference to the convenience of the patrons of the schools, as dealers of text

books, and such dealers shall receive twenty per cent. (20%) based upon the net contract price at which the books are furnished the dealer; such dealer shall pay the transportation charges and all other charges on the said books. Such dealers shall be of good financial rating, but no contractor shall have the right to furnish books to such dealers on the ground that his financial rating is not good in the event such dealers execute a bond approved by the county superintendent for the faithful performance of his duties and that he will well and truly pay over to such contractor all the money coming into his hands belonging to the contractor. Nor shall the publishers distribute any of said books in any manner except through lawfully designated dealers or school districts as in this act provided. Said dealers shall exchange new books for old ones of the same grade displaced by said adoption, at the exchange price herein provided for, during the first year of the life of each and every contract made under the provisions of this act. All bids and proposals shall set out clearly and specifically an exchange price at which such book or books shall be furnished to pupils and patrons who may have old books on the same subject, and which may be exchanged for new books, and the exchange prices shall, in all cases, be subject to the terms of the contract made between the State and any publishers bidding. Such new books as are held in Kentucky now or at any future adoption by purchase by dealers, and in good condition, shall be taken by exchange at the original net price by successful bidders from such dealers as held in stock books.

§ 20. School districts through their respective boards of education are hereby authorized to purchase such adopted text books from publishers at the wholesale or net contract price and to sell said books to the pupils at said net wholesale or contract price, plus the cost of handling the books which shall not exceed twenty per cent of the net wholesale or net contract price. Any person or persons who shall circulate a false or fictitious list as provided in this section shall be

deemed guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars and all such fines shall be covered into the Treasury to the credit of the State school fund.

§ 21. There shall be placed in clear, readable type, on the outside cover of the back of every book sold in the State under the terms of this Act, the retail price and the exchange price of said book, with the following caution to the public, to-wit: "The prices printed hereon are fixed by State contract and any higher prices are unlawful; any deviation therefrom should be reported to your Superintendent of Schools or to the State Text Book Commission at Frankfort."

Any agent or dealer, clerk or other person having or selling books adopted under this Act, who shall ask or receive for any such book more than the lawful price therefor, as herein defined, or who shall refuse to exchange new books for old at the exchange price herein provided for, during the said exchange period, or who shall refuse to receive from patrons or pupils books owned by them that were adopted under such laws as are now in force in the State of Kentucky prior to this Act, and used in the common and high schools of this State and to allow them the exchange value thereof for such old books in exchange for the corresponding new books of the same grade, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than one hundred dollars nor more than one thousand dollars, and such fine shall be covered into the school fund of the county in which same is assessed. And this section shall apply to all future state adoptions of text books in Kentucky, as herein provided under this Act.

§ 22. On or before the first day of June of each year it shall be the duty of the State Board of Education to have printed a complete list of all books adopted under the provisions of this act stating the net contract price, the exchange and the retail price of each, and to distribute such lists to all superintendents of public schools in this state in such quantity as they may request. It shall be the duty of the superinten-

dents to furnish such lists to all dealers and to the principal teachers of all schools, and such dealers and teachers shall post the same conspicuously in their sales rooms or school houses. Failure to comply with the provisions of this section by any of the parties herein named shall be punishable by a fine of not less than ten dollars nor more than twenty dollars, and upon conviction said fine shall be covered into the school fund of the county in which such fine is assessed.

§ 23. When the publisher of any school text book or books shall offer the same for the purpose of submitting bids and proposals to furnish same to the schools of Kentucky, as herein provided, to the State Text Book Commission, and at the time of filing such text book in the office of the State Superintendent of Public Instruction, said publisher shall pay into the treasury of the State of Kentucky a filing fee of five dollars for each book offered by said publisher; provided, that when a series of books by the same author and upon the same subject, is offered for adoption, the publisher may file a fee of five dollars for the first book and one dollar for each additional book in said series, and where such series embraces both common and high school text books, it shall be regarded as two series. The fees thus received shall constitute a fund out of which, upon requisition made by the State Superintendent of Public Instruction, shall be paid the expenses of publishing lists and other information for the use of the State Text Book Commission, clerk hire and other necessary expenses in connection with the filing of all text books submitted for adoption in the State of Kentucky, and further, for defraying the actual necessary traveling expenses of those members of the State Text Book Commission who do not now draw salaries or derive other emoluments as officials of the State. If there should be any balance of such fund remaining upon the thirtieth day of January of the second year following the completion of the adoption of text books, it shall be placed to the credit of the State school fund.

§ 24. Any firm or corporation publishing text books and qualified to sell text books under this act in the State of Kentucky, under contract made with the State Text Book Commission, who shall directly or indirectly contribute any money or thing of value whatever to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for office in this State, or in any district, city or county thereof, or to the campaign fund of any person who is a candidate for nomination for office in this State, or in any district, county or city thereof, or shall give any money or valuable property whatsoever to any member of the State Text Book Commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five thousand dollars nor more than twenty thousand dollars, in the discretion of the jury, and such act on the part of said firm, corporation or publisher, or any agent thereof, shall also be considered a breach of the bond made by said firm, corporation or publisher, with the State, and the venue of the action shall be within any county in the State wherein said act was committed, or in the Franklin Circuit Court, and the State Board of Education or any member of the State Text Book Commission, or any citizen of the State of Kentucky, in any county where the offense is committed, shall have the right to prosecute by legal process an action for the breach of said bond, and the amount so recovered for such fines and for such breach shall be turned over to the Treasury of Kentucky for the benefit of the State school fund.

§ 25. Any member of the State Text Book Commission who shall solicit, accept or receive any money, gift or any other property of value, or favor whatsoever, from any person, firm or corporation or publisher qualified to sell text books in Kentucky, or from any agent thereof, or any other person in any way interested in the sale of text books, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months,

or by both such fine and imprisonment; and such fine shall be turned over to the Treasury of the State of Kentucky for the benefit of the school fund of the State.

§ 26. Any teacher, educator, agent, sub-agent, solicitor, lobbyist, attorney or other person in the employment of, or in any way personally interested in any book company, or publisher of school books, who shall either directly or indirectly use his influence or attempts to influence the State Text Book Commission or any member thereof, for the adoption of any book or books, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail for not less than six nor more than twelve months, or by both such fine and imprisonment, unless he shall have filed with the chairman of the State Text Book Commission, and also with the Secretary of State, a statement showing whether or not he has been employed by any school book company or publisher of school books, and if so, with what company and the terms, conditions and nature of his or her employment.

§ 27. No person shall offer any school text book for adoption, sale or exchange in the Commonwealth of Kentucky until he shall have complied with the folowing conditions:

a. He shall file in the office of the Superintendent of Public Instruction within sixty days before he offers any such book for adoption, sale or exchange, for the information and guidance of the Text Boox Commission, a complete list with specimen copies of each and all text books on the same subject, published or sold by him within five years next prior thereto, or to be offered for sale, for use in the public schools of this and every other state of the United States wherein such person has done or has offered or proposes to do such business, and annually thereafter by the first day of July, copies of all additional and different text books and copies of all supplementary and abridged and special editions on the same subjects sold, offered, or to be offered for sale by such person in this and in

every other state of the United States, with a sworn statement showing in what states each and all of said books has been adopted or has been offered for adoption, together with the net wholesale price, retail price and the lowest net exchange price at which each of said books was offered for sale or exchange to, or in, each of said states, and also the net wholesale price, the retail price and lowest net exchange price at which each of said books was contracted for sale to, or in, each of said states; provided, that the net exchange price mentioned above means that price at which said books are, or may be, exchanged for an old book on the same subject of like grade and kind, but of a different series.

b. He shall file with the statement required in subsection "a" of this section, a sworn statement giving the names and addresses of each and all of his agents, sub-agents, representatives and attorneys in this state, the nature of the employment and the full salary and commissions which each has received, or is to receive, for his, her or its services; provided, that any change or changes in the personnel of his said agents, sub-agents, representatives and attorneys shall be immediately reported to said commission in the same manner that the original statement is to be made.

c. He shall file with the State Superintendent of Public Instruction a bond running to the Commonwealth of Kentucky, with a responsible surety company authoried to do business in said State as surety thereon, in a penal sum to be determined by the State Text Book Commission of not less than two thousand ($2,000.00) dollars nor more than fifty thousand ($50,000) dollars, conditioned as follows:

c-1. That he will furnish for a period of ten (10) years any of the books listed in the statement as outlined in subsection (a) of this section, and for a like period any of the additional and different books and any of the supplementary and abridged and special editions of all books listed in any annual statement subsequently filed by him within the life of this bond, to any school district, school corporation, or lawfully

designated sales agent in the State of Kentucky at such prices as may thereafter be agreed upon between him and the State Text Book Commission and that he will maintain said prices uniformly throughout the State.

c-2. That he will reduce such net prices automatically in Kentucky whenever reductions are made elsewhere in the United States, and that he will immediately file with the State Text Book Commission a sworn statement of such reductions made elsewhere, and that at no time shall any book so filed and listed by him to be sold in the State of Kentucky at higher net prices, or higher net exchange prices, than is charged or received for such book or substantially the same book, elsewhere in the United States.

c-3. That all text books offered for sale, adoption or exchange in the State of Kentucky shall be equal in quality to those deposited with said commission as regards paper, binding, print, illustration or subject matter.

c-4. In case he shall prepare any supplementary or abridged or special editions of said books so listed by him and shall sell such editions elsewhere at lower net wholesale price than the net wholesale price scheduled with said commission, he shall file copies of any and all such editions, together with the net prices therefor, as above stated, with said commission.

c-5. He shall not enter into any understanding, agreement or combination to control the prices or to restrict competition in the sale of school text books.

§ 28. Such bond shall be approved by the Attorney General of Kentucky and shall remain in force for the period of ten (10) years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue business within the State shall be forfeited.

§ 29. Any person, publisher or text book concern who shall make a false statement or report, as to any information or matter required by section 27 hereof, shall not only forfeit his bond, but any contract to which he is a party with the Text

Book Commission shall, thereupon, be subject to and may be forfeited at the option of said commission.

§ 30. It shall be the duty of the boards of education, superintendents of public schools, and other school authorities of each county and district in this State wherein the text books listed under the provisions of this act have been adopted to notify said commission of any violation of any of the conditions contained in said bond. Said commission shall thereupon notify the person guilty of such violation, and if the person so notified shall disregard the notification and fail to comply with the requirements of the contract, then said commission shall institute legal proceedings in the Franklin Circuit Court for forfeiture of the bond of said person.

§ 31. Any publisher who shall offer for adoption to the State Text Book Commission any school text books of any kind without first qualifying therefor under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars nor more than five thousand dollars, and such fine shall be covered into the Treasury of the State of Kentucky for the benefit of the State school fund.

§ 32. The word "person" as used in this act shall include firms, associations and corporations.

§ 33. None of the provisions of this act shall be considered as abrogating or otherwise affecting any of the obligations imposed by the contracts for adoptions heretofore made and now in force.

§ 34. All laws or parts of laws in conflict with the provisions of this act are hereby repealed and there is hereby expressly repealed an act of the 1910 General Assembly of Kentucky, being chapter 13 of the Acts of 1910 and approved on March 15, 1910, and entitled "An Act creating a County Text Book Commission to adopt for use in the common schools of each county in this Commonwealth a uniform series of text books, regulating the prices thereof, defining the powers and duties of said commission and the method of selection of such

text books and their distribution, and prescribing penalties for the violation of this act," as amended by Chapter 11 of the 1914 Acts of the General Assembly of Kentucky, approved March 10, 1914, as further amended by Chapter 8 of the 1916 Acts of the General Assembly of Kentucky, approved March 14, 1916, and as finally amended by Chapter 110 of the 1918 Acts of the General Assembly of Kentucky, which act was approved March 29, 1918.

§ 35. If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act, and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses and phrases be declared unconstitutional, or invalid.

Mr. Pulliam offered the following Amendment to said bill, viz.:

Amend S. B. 102 in House by changing the words "ten years" on page 15, section c-1, line 41 to "eight years."

Said Amendment was disagreed to.

Mr. Ryans offered the following Amendments to said bill, viz.:

Amend S. B. 102 by striking from section 1 of the printed bill in line 8 thereof the words and figures "April 1926" and insert in lieu thereof the words and figures "January 1928."

Amend S. B. 102 by adding to section 2 of the printed bill after the word "Kentucky" in line 7 the following: "The rest of said appointive members shall be selected from known and recognized educators engaged in actual school work."

Amend S. B. 102 by striking from section 4 of the printed bill in lines 3 and 4 thereof the words and figures "first Monday in October 1926" and insert in lieu thereof "first Monday in February 1928."

Said Amendments were each and severally disagreed to.

Mr. Keller offered the following Amendment to said bill, viz.:

Amend S. B. 102 in House by inserting after the word "State" and before the word "shall" on page 3, section 5, line 2, the following:

"Exclusive of cities of the first, second, third and fourth classes."

Said Amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	C. L. Daly
Wm. J. Arvin	W. G. Buckner	Mormon B. Daniel
W. O. Bach	S. J. Bunger	E. J. Doss
J. H. Baughman	W. A. Carson	D. E. Edwards
T. H. Benton	C. B. Carver	J. O. Evans
W. P. Bowman	Lee Clark	Otto C. Gartin
D. F. Brown	Lonnie Cooper	R. E. Glenn
Geo. A. Brown	J. D. Cox	Whitsett Hall
F. W. Bryant	W. J. Curtis	Lawrence Harmon

J. F. Harrison	Thos. H. King	Jas. J. Peters
C. W. Hawkins	W. W. Leslie	W. H. Pryor
Goebel B. Henson	J. L. Manning	H. A. Pulliam
H. M. Holbrook	Shelby Martin	Chas. L. Seale
H. B. Holland	H. H. Miller	M. G. Slusher
S. K. Holland	J. S. Milliken	W. R. Smith
Ira L. Horne	B. T. Morris	E. J. Snyder
J. C. Hutcherson	L. P. Murphy	Frank L. Strange
Grover C. Johnson	Chas. N. McCarty	J. G. Swearengin
W. W. Johnson	J. L. McDavid	J. L. Valandingham
D. C. Jones	W. J. McGill	Chiles Van Antwerp
Mrs. H. G. Jorris	F. T. Nichols	W. S. Wallen
W. O. Keller	Caleb Page	
J. R. Kelly	J. J. Patterson	

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Those who voted in the negative were—

W. B. Ardery	F. A. Gnau	Clint Raymer
W. B. Belknap	J. M. Hayse	R. R. Rogers
Shaler Berry	E. M. Johnson	Philip J. Ryan
C. H. Berryman	Oscar Leibson	C. W. Ryans
Fred H. Coots	Leon P. Lewis	Mac Swinford
J. L. Cushing	H. J. Meyers	C. D. Vincent
J. R. Dorman	Smith Park	T. B. Watts
D. W. Fowler	Geo. W. Potter	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 94. An Act to amend and re-enact sections 2445, 2447-1 and 3447b, chapter 78, Kentucky Statutes, Carroll's

1925 Edition, as amended by Act 1924, chapter 129, entitled "An Act to amend and re-enact section 2447b of chapter 78, Kentucky Statutes, Carroll's Edition 1922, which chapter is entitled Library, State."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2445, chapter 78, Carroll's Kentucky Statutes, 1915 edition, entitled, "Library, State," be so amended, as to strike out the words and figures eighteen hundred dollars ($1,800), wherever same occurs and insert in lieu thereof the words and figures twenty-four hundred dollars ($2,400), so that said section as amended shall read as follows:

Section 2445. The present librarian shall hold office until the first Monday in June, 1928. A librarian shall be elected by the General Assembly of 1928, and every four years thereafter. The librarian shall receive an annual salary of twenty-four hundred dollars ($2,400) payable in the same manner as the salary of the Governor. The librarian shall hold office until a successor is elected and qualified.

§ 2. That Section 2447-1, chapter 78, Carroll's Kentucky Statutes, be amended by striking out the words and figures one hundred and twenty-five dollars ($125.00) wherever the same occurs and inserting in lieu thereof the words and figures one hundred and eighty-four dollars ($184.00), so that said section as amended shall read as follows:

Section 2447-1. That the librarian may, with the consent and approval of the Court of Appeals, appoint an asssitant librarian, to assist in taking care of the library, and other property under the charge of the librarian, and the discharge of other duties imposed by law upon the librarian, as such for all of whose acts as such assistant the librarian shall be responsible upon bond; and upon the certificate of the librarian that such assistant has been appointed and has discharged the duties required by the librarian during the month, the

Auditor of Public Accounts shall draw his warrant upon the Treasurer on the last day of each month in favor of such assistant for the sum of one hundred and eighty-four dollars ($184.00).

§ 3. That Section 2447b, chapter 78, Kentucky Statutes 1922 (Carroll), as amended by Acts 1924, chapter 129, be amended by striking out the words and figures one hundred ($100) wherever same occurs in said act, and inserting in lieu thereof the words and figures one hundred and fifty dollars ($150.00), so that said section as amended when re-enacted shall read as follows:

Section 2447b. That the librarian is hereby authorized to employ a bookkeeper at not exceeding one hundred and fifty dollars ($150.00) per month, payable monthly, out of any money in the treasury not otherwise appropriated, as the salary of the Governor. The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer on the last day of each month in favor of such bookkeeper for the sum of one hundred and fifty dollars ($150.00).

There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of one hundred and fifty dollars ($150.00) per month to be disbursed by the librarian for clerical services and for care of the general library and other duties in assisting in taking care of the various departments of the library, and other duties imposed by law upon the librarian. The Auditor of Public Accounts shall draw his warrant upon the Treasurer at the end of each month for one hundred and fifty dollars ($150.00) in favor of such clerk, on certificate of the librarian that such services have been discharged.

§ 4. On account of the increased cost of living the salaries herein affected are inadequate, and an emergency is hereby declared and this act shall become in force on its approval by the Governor.

Mr. Pulliam offered the following Amendment thereto, viz.:

Amend S. B. 94 by striking out lines 7, 8 and 9 on page 1 to the period in line 9 and substituting therefor the following:

"The Librarian shall be elected by the Court of Appeals and shall hold office at the pleasure of said court, he shall be a trained, competent librarian and a graduate of a recognized library school or a member of the State Bar."

Said Amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	Oscar Leibson
W. B. Ardery	C. L. Daly	W. W. Leslie
W. B. Belknap	E. J. Doss	Leon P. Lewis
T. H. Benton	D. W. Fowler	J. L. Manning
Shaler Berry	Otto C. Gartin	Shelby Martin
C. H. Berryman	R. E. Glenn	H. J. Meyers
W. P. Bowman	F. A. Gnau	J. S. Milliken
D. F. Brown	Whitsett Hall	L. P. Murphy
F. W. Bryant	C. W. Hawkins	J. L. McDavid
W. G. Buckner	H. M. Holbrook	W. J. McGill
W. A. Carson	W. W. Johnson	Geo. W. Potter
C. B. Carver	D. C. Jones	H. A. Pulliam
Lonnie Cooper	Mrs. H. G. Jorris	Philip J. Ryan
J. D. Cox	J. R. Kelly	C. W. Ryans
W. J. Curtis	Thos. H. King	M. G. Slusher

W. R. Smith	J. L. Valandingham	T. B. Watts
E. J. Snyder	C. D. Vincent	
Frank L. Strange	W. S. Wallen	

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Those who voted in the negative were—

Wm. J. Arvin	Goebel B. Henson	Caleb Page
J. H. Baughman	H. B. Holland	Smith Park
J. R. Buckman	Ira L. Horne	Jas. J. Peters
S. J. Bunger	Grover C. Johnson	W. H. Pryor
Mormon B. Daniel	A. M. Mercer	Clint Raymer
D. E. Edwards	H. H. Miller	Mac Swinford
J. O. Evans	Chas. N. McCarty	Chiles Van Antwerp
J. F. Harrison	F. T. Nichols	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, he reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Milliken offered the following resolution, viz.:

Whereas, Hon. L. D. Bax, a member of the General Assembly, died on March —— 1926, and Hon. C. C. Givens, a member of the General Assembly, died on February ——, 1926, during the present session of the Assembly, and,

Whereas, they had not drawn their full per diem for the session at the time of their death, therefore,

Be is resolved, by the House of Representatives of the General Assembly of Kentucky, the Senate concurring therein:

That the balance of the per diem which would have been due said L. D. Bax and C. C. Givens, to the date of adjournment of this session March 17, 1926, be paid to the surviving

wife of said L. D. Bax, and C. C. Givens, and the Clerk is hereby directed to issue his order on the Auditor for the amount of said balance, and the Auditor will issue his warrant on the Treasurer for said amount.

Said resolution was adopted.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz.:

H. B. 147. An Act relating to the taxation of domestic Life Insurance Companies.

H. B. 227. An Act to create a central purchasing agency for the Commonwealth of Kentucky, providing for a State Purchasing Commission to administer the same, for its expenses, including the salary of its chairman, defining its powers and duties, its mode of procedure, governing its members in relation to their official duties as such and the manner of their appointment, and fixing the venue of actions for or against the Commission or members thereof.

H. B. 18. An Act to amend Section 5 of chapter 17, Acts of General Assembly 1920, which is now section 4356t-5 of 1922 Edition of Carroll's Statutes, relating to roads and bridges.

H. B. 20. An Act to amend section 5, chapter 17, Acts of the General Assembly 1920, which is now section 4356-5, 1922 Edition, Carroll's Statutes, relating to roads and bridges.

H. B. 26. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 27. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 28. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 62. An Act amending section 5, chapter 17, of the Acts of 1924, and establishing project 3a as a part of the Primary System of State Highways.

H. B. 84. An Act relating to roads and bridges and establishing a new project to be a part of the new primary road system from Campbellsville to Liberty, Kentucky.

H. B. 116. An Act to amend chapter 214 of the Acts of the 1924 session of the General Assembly entitled "An Act to amend project 6 of chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges and road projects."

H. B. 129. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 131. An Act to establish a road from the mouth of Caney Creek, Knott County to State Project 4 in Letcher County, Kentucky.

H. B. 132. An Act to establish a road from Hindman, Kentucky, to the mouth of Breedings Creek in Knott County, Kentucky, and to be known as Project ———.

H. B. 133. An Act to establish a road from Lackey, Floyd County, to Troublesome Creek, Knott County, Ken-

tucky and to connect with Project ——, relating to roads and highways.

H. B. 143. An Act establishing the Widdon-Hardyville road in Metcalfe and Hart counties as a part of the Primary System.

H. B. 148. An Act establishing a road from Franklin, in Simpson county, Kentucky to the Tennessee line near the Henry Ford Bridge over the route known as the Franklin and and Springfield road, as a State Primary road, and designating said project as Project ———.

H. B. 159. An Act establishing a new State Primary road project to be known as Project ——— beginning at Belle's Trace on Project 43 in Carter county, and extending to a point on Project 49 near Isonville postoffice in Elliott county.

H. B. 160. An Act establishing as a part of the Primary System of State Highways a road from Booneville, Owsley county, via Tyner, Jackson county, to east Bernstadt, Laurel county and designating said road as Project 30-A.

H. B. 174. An Act to repeal chapter 264 of the Acts of the General Assembly of 1924 which established a new primary road system project, now known as Project 71 and to enact in lieu thereof a new act establishing a new primary system project to be known as project 71.

H. B. 182. An Act amending chapter 168 of the Session Acts of 1924, being entitled "An Act relating to public roads."

H. B. 183. An Act to repeal and re-enact chapter 277, Acts General Assembly 1924, being an act entitled "An Act to amend and re-enact section 9 of chapter 17, of the Acts of

1920, relating to roads and highways by adding to said section the town of "Williamsburg as a construction center" and by including Fullerton in said named construction centers.

H. B. 191. An Act to amend, extend, revise and re-enact chapter 248 of the Acts 1924, being an Act amending chapter 79 of the Acts of 1922, which was an act amending chapter 17 of the Acts of 1920, relating to roads and bridges and relating to project 22A of the Primary System of State Highways, extending from Pine Knot, McCreary county, via Williamsburg and Barbourville to Manchester, Clay County.

H. B. 192. An Act establishing as a State Primary Road project the road leading from Providence in Webster county, Kentucky on State Primary Road Projects 2-A and 74, to Dawson Springs in Hopkins county, Kentucky, on State Primary Roads converging there, a distance of approximately 17 miles, and designating said road as State Primary Road Project ———.

H. B. 193. An Act establishing as a State Primary Road, a road leading from Providence in Webster county, Kentucky on State Primary Road Project 2A and 74 to Clay in Webster county, Kentucky on State Primary Road Project 2½, a distance of about seven miles, and designating said road as State Primary Road Project —.

H. B. 217. An Act to create and establish Project 1A of State roads and highways, being a State Highway from Greenville, Muhlenberg county, by way of Weir, Kirkmansville and Allegre to Elkton, Todd County.

H. B. 219. An Act to amend Sec. 5 Chapter 17 of the Acts of the General Assembly, Kentucky, 1920, which is now Sec. 4356t-5 of Kentucky Statutes, Carroll's 1922 Edition relating to roads and bridges, etc.

H. B. 229. An Act establishing as a part of the primary system of state highways a road from Princeton, Caldwell county, to Madisonville, Hopkins county, via Tradewater river bridge, and designating said road as project 10.

H. B. 233. An Act establishing as a part of the primary system of State Highways and the Commonwealth of Kentucky, a road running from Columbia, Kentucky to a point on project 23, near Dunnville, Casey County, and designate said road as project 23A.

H. B. 236. An Act to establish project — in the Primary System of State Highways.

H. B. 255. An Act establishing a new Primary Road project to be known as Project — beginning at Webbville on project 43 in Lawrence county and extending to a point on project 49 near Blaintown in Lawrence county.

H. B. 256. An Act relating to roads and bridges and establishing a new project to be a part of the new Primary Road System from Irvine to Winchester.

H. B. 270. An Act establishing and making the road leading from Springfield, via Willisburg to Lawrenceburg, Kentucky a part of the primary system of State Highways of the Commonwealth of Kentucky, and designating said road as Project —.

H. B. 272. An Act adding another road project in Metcalfe and Monroe counties.

H. B. 273. An Act to amend chapter 17 of the Acts of the General Assembly of 1920, relating to roads and bridges.

H. B. 279. An Act creating a new primary Road project to be known as State Primary Road Project — to begin at

Brownsville, Edmonson county, and extend approximately 12 miles to Rocky Hill, Edmonson county, Kentucky.

H. B. 285. An Act to create a new State Primary Road Project, to be knewn as Project — to extend from a point on State Project 12 near East View in Hardin county, Kentucky, via Solway and Big Spring, to a point in State Project 8, in Meade county between Hog Wallow and Miller Mill.

H. B. 290. An Act establishing and making the road leading from Danville, via Hubbel, to Lancaster, a part of the primary system of State Highways of the Commonwealth of Kentucky and designating said road as project —.

H. B. 295. An Act to create a new State Primary Road project to be known as project — to extend from Shelbyville, the county seat of Shelby county, via Cropper, and Elmburg in Shelby county, to a point at Defoe in Henry County on the existing State Primary Road Project 64½ leading from Frankfort, the county seat of Franklin, to Newcastle, the county seat of Henry county.

H. B. 302. An Act relating to roads and highways and describing and fixing the projects to be added to the primary system of roads and highways.

H. B. 334. An Act establishing State Primary Road Project — same being a road from Frankfort via Honey Suckle, Jacksonville, Elmburg, Pleasureville and New Castle.

H. B. 372. An Act establishing as part of the Primary System of State Highways of the Commonwealth of Kentucky, Acts of 1920, Chapter 17, the road leading from Barbourville to the Whitley county line.

H. B. 378. An Act to amend Chapter 17 of the Acts of the General Assembly of 1920, relating to roads and highways.

H. B. 383. An Act establishing as a part of the primary system of highways a road from Centertown via Matanzas, Point Pleasant and Island to Project 10 and designating the same as Project —.

H. B. 389. An Act relating to roads and highways and describing and fixing a project to be added to the Primary System of Roads and Highways.

H. B. 394. An Act to establish State Primary Road Project — to lead over the route from Glasgow, the county seat of Barren county, to a point in the West Dixie Highway, leading to Bowling Green in Warren County, Ky.

H. B. 399. An Act establishing and making the road leading from Walton through Verona to Glencoe a part of the primary system of State Highways of the Commonwealth of Kentucky.

H. B. 406. An Act relating to roads and highways.

H. B. 407. An Act relating to roads and bridges.

H. B. 409. An Act to amend Sec. 5, Chapter 17 of the Acts of the General Assembly of 1920, which is section 4356t-5 of Carroll's Kentucky Statutes, relating to roads and highways, and establishing and creating Project — to be added to the Primary system of roads and highways.

H. B. 425. An Act relating to roads and bridges and establishing a new project to be a part of the State Primary

System of roads from Barbourville, Knox county, to Hyden, Leslie county, via Artemus.

H. B. 430. An Act to establish a new State Primary Road Project to be known as Project — beginning at Regina, at mouth of Marrowbone creek in State Project 6¾, Pike county to Shelby Gap in the Mayo Trail (State Project 6).

H. B. 437. An Act relating to roads and highways and describing and fixing a project to be added to the primary System of Roads and Highways.

H. B. 443. An Act relating to the Primary System of Roads and Highways.

H. B. 446. An Act to establish a new State Primary Road Project to be known as Project — beginning at Bowling Green, Warren county, and extnding southeastwardly by way of Meadow, in Allen county to a point in the Bowling Green and Glasgow road, approximately 21 miles.

H. B. 456. An Act to establish a primary road system project to be known as 63A.

H. B. 459. An Act to establish as a part of the State Primary System of State Highways a road from Eddyville, Lyon county, to a point known as Elkhorn Tavern on the Princeton and Marion highway now complete.

H. B. 473. An Act to establish a new state Primary Road project beginning in state Project 4, at Jeff, Perry county, up the Kentucky River and Rockhouse Creek to an intersection with State Project — west of Isom in Letcher county.

H. B. 474. An Act to establish a new State Primary Road Project from Flat Gap in Letcher county by way of

Eelia to a point in State Project 6 on the south side of Pine Mountain.

H. B. 480. An Act relating to roads and highways describing and fixing a project to be added to the State Primary System of Roads and Highways, from Washington in Mason county, Kentucky, to Mt. Olivet in Robertson County, Kentucky, and to be known as Project —.

H. B. 487. An Act to establish State Primary Road Project beginning near or at Ratcliffe, in Hardin county, on the Dixie Highway leading by the way of Woolbridge Ferry to Belmont, Bullitt County.

H. B. 489. An Act adding road project — to Primary System of Roads in Kentucky.

H. B. 495. An Act relating to roads and highways placing on primary system from Richardsville to Caneyville.

H. B. 496. An Act relating to roads and highways, placing on primary system from Mt. Lebanon School House, Richardsville, Kentucky, by way of Region, Kentucky and Threlkel.

H. B. 497. An Act relating to roads and highways; providing for making a part of a primary system of the Commonwealth of Kentucky, a project running from Murroli, via New Concord to the Tennessee River in Calloway county.

H. B. 510. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 511. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 512. An Act establishing and making a road leading from Cynthiana, Harrison county, Kentucky to Williamstown, Grant county, Kentucky a part of the Primary System of State Highways of the Commonwealth of Kentucky and designating said road as project —.

H. B. 514. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 515. An Act relating to roads and highways and describing and fixing a project to be added to the primary system of roads and highways.

H. B. 521. An Act creating and establishing as a part of the Primary System of State Highways of the Commonwealth of Kentucky, a road leading from Frankfort, Franklin County, via Peaks Mill to Swallowfield in Owen county, to be known and designated as project 60A

H. B. 530. An Act to establish as a part of the primary system a road running from Creelsboro, via Russell Springs, shall be designated as road project —.

H. B. 531. An Act to establish as a part of the road running from Ucum, Cumberland River. Said road project shall be known as road project —.

H. B. 543. An Act creating and establishing as a part of the primary system of highways of the State of Kentucky, that part of the old Bardstown and Green River turnpike between the village of White City near top of Muldraughs Hill and the town of Buffalo in Larue county, to be known as project —.

H. B. 544. An Act establishing a road from Russellville in Logan county, Kentucky, to Orndorff's Mill over the route

known as the Orndorff's Mill road, as the State Primary Road and designating said project as project —.

H. B. 555. An Act relating to roads and highways.

H. B. 558. An Act adding additional road projects to the present State Primary System of Roads.

H. B. 561. An Act to establish a new State Primary Road project beginning at Falmouth, the county seat of Pendleton county, and extending to Lennoxburg by way of Wampum, approximately eight miles.

H. B. 562. An Act to establish a new State Primary Road Project, beginning at Morris in Bracken county, Kentucky, on State Project 57 and running via Johnsville to Bradford Post Office on the C. O. Railroad and State Project 106.

H. B. 563. An Act creating a new State Primary Road Project leading from Liberty in Casey county to Campbellsville in Taylor county, Kentucky.

H. B. 564. An Act relating to roads and highways placing on primary system, Rochester by Morgantown to Caneyville.

H. B. 565. An Act relating to roads and highways.

H. B. 568. An Act establishing and making the road leading from Leitchfield in Grayson county by way of Blue Knob and Holly to Evilsigh, a part of the Primary System of the State Highways of the Commonwealth of Kentucky and designating the said road as project —.

H. B. 569. An Act establishing and making the road from Wickliffe, via Blandville, Lovelaceville, Symsonia and

Benton to Eggner's Ferry a part of the Primary System of State Highways for the Commonwealth of Kentucky.

H. B. 572. An Act to amend an Act entitled: "An Act relating to roads and bridges," being Chapter 17 of the Acts of the General Assembly for the year 1920.

H. B. 580. An Act relating to roads and highways, and describing and fixing a project to be added to the State Primary System of Roads and Highways, from Mayslick, Mason county, Kentucky, by way of Helena to Wedonia, in said county and known as project —.

H. B. 581. An Act to establish a new State Primary Road Project leading from near Breman on State Project 10 to a point in Project 55, near Muhlenberg and McLean county line.

H. B. 583. An Act relating to public roads and amending Sec. 4356t-5 of Acts of Chapter 110 Kentucky Statutes, 1922 Edition, by adding thereto as project — extending from Kirkmansville in Todd county to Clifty in Todd county.

H. B. 590. An Act to amend chapter 200, Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which relates to roads and highways.

H. B. 606. An Act creating and establishing as a part of the primary road system of the Commonwealth of Kentucky, a road leading from Eggner's Ferry in Marshall county, via Briensburg and Palma to McCracken county line.

H. B. 608. An Act relating to State Road Project.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presennce of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the hour of five-thirty o'clock P. M. Mr. Milliken moved that the House do now recess until seven-thirty o'clock P. M.

Said motion was agreed to.

At the hour of seven-thirty o'clock P. M. the Speaker resumed the Chair and called the House to order.

Hon. G. Lucien Drury, Speaker of the House, moved that Miss Mary Vernon Adamson, of Frankfort, and niece of the Chief Clerk, be made Assistant Clerk of the House without pay for today and tomorrow.

Said motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

S. B. 266. An Act to provide for appeals from assessments of boards of supervisors and equalizers in cities and towns of the fourth, fifth and sixth classes.

S. B. 16. An Act to amend and re-enact Chapter 44, Acts 1924, entitled "An Act to repeal and re-enact section 75, Carroll's Criminal Code of Practice."

S. B. 366. An Act relating to educational institutions not supported by state funds within the Commonwealth of Kentucky commonly known as quasi-public normal schools, prescribing the requirements, rules and regulations for issuing certificates to students of such institutions to teaach in the public schools of Kentucky, defining the powers and duties of the state Board of Education with respect thereto, and repealing chapter 151 of the 1918 Acts of the General Assembly of Kentucky, the same being sections 4535c-1 to 4535c-3, inclusive, of the Kentucky Statutes, Carroll's 1922 edition.

S. B. 290. An Act to amend section 822 subdivision 111 corporations—private, Carroll's Edition of Kentucky Statutes.

S. B. 96. An Act authorizing the Clark County Construction Company to sue the Commonwealth.

S. B. 105. An Act to require persons building, repairing, or improving property for others to apply money received from the owner to the payment of bills for labor or material and providing a penalty for the violation thereof.

S. B. 46. An Act to repeal chapter 138 of the Acts of 1924 relative to real estate agents in cities of the first and second class.

S. B. 5. An Act to give to supersedeas bonds executed upon appeal to the Court of Appeals and upon appeals to the

circuit courts the force and effect of a judgment, and to provide a means of collection of certain costs, revenues and fines and penalties due the Commonwealth of Kentucky.

S. B. 76. An Act to amend and re-enact Section 147 of the Constitution of the Commonwealth of Kentucky.

S. B. 167 An Act regulating the depositing of funds of the Commonwealth of Kentucky collected by county and district officials and trustees of the jury fund, and providing a manner of keeping a daily record, etc.

S. B. 104. An Act to prohibit the owner of real property from failing to apply the proceeds of the sale thereof or loan thereon to the payment of the amount owing for labor, or materials used in the erection, repair or improvement of any structure thereon, and prescribing a penalty for the violation thereof.

S. B. 40. An Act to amend, revise and re-enact section 2251, Chapter 74, Art. 11 Kentucky Statutes, Carroll's 1915 Edition, relating to jurors.

S. B. 336. An Act providing for the quarantining of diseased and infested trees, plants and parts of plants, for the inspection of trees, plants and parts of plants, for the registration of tree dealers and agents, for the inspection and certification of nurseries, etc.

S. B. 273. An Act authorizing the county judge in counties containing a city of the first class to appoint a Trial Commissioner.

S. B. 319. An Act increasing and fixing the salary of District Detectives to the Commonwealth's Attorney, and Supervisor of Parents, in counties in this Commonwealth containing a population of more than two hundred thousand.

S. B. 181. An Act to amend and re-enact Chapter 72 of the Acts of the General Assembly of 1922, entitled, "An Act to promote the production of better eggs in Kentucky by regulating the traffic in eggs, to prevent fraud and misrepresentation in dealing in eggs," etc.

S. B. 234. n Act to regulate letting, hiring and using motor vehicles and to prevent the improper and unauthorized use of, or fraud, misrepresentation or procuring such vehicles and fixing the penalty for violation.

S. B. 114. An Act to amend an Act entitled "An Act concerning vacant and unappropriated lands" approved February 2, 1893, and declaring an emergency to exist.

S. B. 334. An Act to amend and re-enact Section 3 of Chapter 131 Acts of the General Assembly of 1918, entitled "An Act to regulate the admission of attorneys to practice law," and providing for qualifications of members of the Board of Bar Examiners.

S. B. 3. An Act to amend and re-enact section 3706 of the Kentucky Statutes, Carroll's 1915 Edition and as written in the 1922 Edition, regulating the improvement of streets, sidewalks, sewers, water mains and public places.

S. Res. 30. Resolution authorizing W. P. Burke to sue the Commonwealth of Kentucky.

S. Res. 19. Resolution providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama.

S. Res. 7. Resolution to permit the Wilmore Construction Company, that is C. S. Woodard, G. C. Woodard, to sue the Commonwealth of Kentucky.

S. Res. 36. Resolution for "extra help" employees of House and Senate, further compensating them.

S. Res. 35. Resolution for certain Senate and House employees elected in caucus for 1926 sessoin of the General Assembly, providing for aditional compensation.

S. Res. 33. Resolution providing for furnishing Kentucky Directories.

S. Res. 20. Resolution adopting the Golden Rod as the official State Flower.

S. Res. 14. Resolution providing for the appointment of a Commission to arrange for the suitable and proper participation of Kentucky in the two hundredth anniversary of George Washington.

S. Res. 38. Resolution declaring it the sense of the State of Kentucky that unjust and discriminatory freight rates should not be imposed upon shipments of coal from Kentucky mining districts.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker in open session and in the presence of the House, affixing his signature thereto.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

Mr. Meyers moved that the vote by which a bill entitled:

S. B. 2. An Act providing for the protection and assistance of aged needy persons in the Commonwealth of Ken-

tucky and allowing the counties to adopt the provisions of this act prescribing penalties for violation of the provisions thereof.

(For bill see Journal of to-day ante.)

Failed to receive a constitutional majority at this afternoon's session,

Be reconsidered.

Said motion was agreed to.

Said bill was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

T. H. Benton	H. M. Holbrook	Caleb Page
Shaler Berry	S. K. Holland	W. H. Pryor
W. P. Bowman	E. M. Johnson	H. A. Pulliam
F. W. Bryant	Grover C. Johnson	Clint Raymer
W. G. Buckner	W. W. Johnson	R. R. Rogers
J. S. Cruse	D. C. Jones	Philip J. Ryan
W. J. Curtis	W. O. Keller	C. W. Ryans
J. L. Cushing	Thos. H. King	M. G. Slusher
C. L. Daly	W. W. Leslie	W. R. Smith
J. R. Dorman	Leon P. Lewis	E. J. Snyder
E. J. Doss	J. L. Manning	Frank L. Strange
D. W. Fowler	Shelby Martin	J. G. Swearengin
Otto C. Gartin	H. J. Meyers	C. D. Vincent
R. E. Glenn	J. S. Milliken	W. S. Wallen
F. A. Gnau	L. P. Murphy	T. B. Watts
C. W. Hawkins	W. J. McGill	
J. M. Hayse	F. T. Nichols	

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Those who voted in the negative were—

Wm. J. Arvin	Fred H. Coots	A. M. Mercer
W. O. Bach	J. D. Cox	H. H. Miller
J. H. Baughman	Mormon B. Daniel	Chas. N. McCarty
D. F. Brown	D. E. Edwards	J. L. McDavid
Geo. A. Brown	J. O. Evans	Smith Park
J. R. Buckman	J. F. Harrison	Geo. W. Potter
S. J. Bunger	Goebel B. Henson	Chas. L. Seale
W. A. Carson	H. B. Holland	Mac Swinford
C. B. Carver	Ira L. Horne	Chiles Van Antwerp
Lee Clark	J. C. Hutcherson	
Lonnie Cooper	J. R. Kelly	

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Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 24. An Act to amend and re-enact section 2355e-2, subsec. 3, and 3235a-4, subsec. 3, of the Kentucky Statutes, Carroll's 1922 Edition, relating to teachers' insurance and annuity funds of cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 3235e-2, subsection 3, Kentucky Statutes, Carroll's 1922 edition, be amended and re-enacted so that said section so amended and re-enacted shall read as follows:

"After the board of education of a city of the second class has provided for the payment of one thousand ($1,000.00) dollars yearly or more and the board of commissioners of said

city of the second class has levied a tax of one cent on every hundred dollars' worth of taxable property of such city for the maintenance of an insurance and annuity fund for the teachers in the public schools of said city; then one per centum of the salaries of all teachers of the public schools of such city who have been engaged in teaching in said public schools for ten years or under, and two per centum of the salaries of all teachers who have been engaged in teaching more than ten years, shall be withheld and added to the fund, provided that no payment shall exceed forty dollars per annum. The treasurer of the board of education of such city shall deduct monthly from the salary of every teacher the amount provided for in such schedule, which amount shall be turned monthly into said insurance and annuity fund.

After the passage and adoption of this act each contract made with teachers by the board of education of such city shall specify that the sums in this paragraph provided shall be deducted from each and every teacher's salary. Any teacher who shall retire, or who shall be retired from service as teacher, and who shall not be in receipt of or entitled to an annuity under this act, shall have refunded to him or her three-fourths of the amount, without interest, which he or she has contributed to the insurance and annuity fund. If such teacher shall again teach in public schools and shall, within a time specified by the board of insurance and annuity, repay to said fund the amount so returned to such teacher, together with simple interest on said amount (not to exceed four per centum per annum), such teacher shall, upon returning to regular school work, receive credit for past years of service. In the event of the death of any teacher entitled to the provisions of this act, the annuity of said teacher shall be paid to the dependent member or members of the deceased's family for a period of two years."

That section 3235e-4, subsection 3, Kentucky Statutes, Carroll's 1922 edition, be amended and re-enacted, so that said section so amended and re-enacted shall read as follows:

"The annuity of any teacher retired under the provisions of this act after twenty-five years' employment, shall be thirty per centum of his or her average contractual salary for the last five years before retirement, and two per centum of his or her average contractual salary for the last five years before retirement for each and every year of employment in excess of twenty-five years; provided, however, that unless otherwise specified, no annuity shall be more than fifty per centum of a teacher's average contractual salary for the past five years before retirement; and provided further, that no annuity granted under the provisions of this act shall be more than eight hundred ($800.00) dollars unless in the discretion of the board the annuity may be increased, but in no event shall said annuity be more than twelve hundred ($1,200.00) dollars."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	J. R. Dorman
Wm. J. Arvin	S. J. Bunger	E. J. Doss
W. O. Bach	W. A. Carson	D. E. Edwards
J. H. Baughman	C. B. Carver	J. O. Evans
T. H. Benton	Lee Clark	D. W. Fowler
W. P. Bowman	Lonnie Cooper	Otto C. Gartin
D. F. Brown	J. D. Cox	R. E. Glenn
Geo. A. Brown	J. S. Cruse	F. A. Gnau
F. W. Bryant	C. L. Daly	Lawrence Harmon
J. R. Buckman	Mormon B. Daniel	J. F. Harrison

C. W. Hawkins	Shelby Martin	W. H. Pryor
J. M. Hayse	A. M. Mercer	H. A. Pulliam
H. M. Holbrook	H. J. Meyers	Clint Raymer
S. K. Holland	H. H. Miller	R. R. Rogers
Ira L. Horne	J. S. Milliken	Philip J. Ryan
J. C. Hutcherson	L. P. Murphy	C. W. Ryans
E. M. Johnson	Chas. N. McCarty	M. G. Slusher
Grover C. Johnson	J. L. McDavid	W. R. Smith
W. W. Johnson	W. J. McGill	Frank L. Strange
Mrs. H. G. Jorris	F. T. Nichols	C. D. Vincent
W. O. Keller	Caleb Page	W. S. Wallen
W. W. Leslie	Smith Park	T. B. Watts
Leon P. Lewis	Jas. J. Peters	
J. L. Manning	Geo. W. Potter	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An Act relating to the transportation of persons for compensation over ferries and bridges, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. a. The term "corporation" when used in this act means a corporation, company, association or joint company.

b. The term "person" when used in this act means an individual, a firm or a co-partnership.

c. The term "commission" when used in this act means the State Highway Commission of the State of Kentucky, or such body or board that may succeed to the powers and duties now held by the State Highway Commission.

d. The term "bridge company" or "ferry company" when used in this act means every corporation, person, firm or association of persons, their lessees, receivers or trustees, however appointed, owning, controlling, operating or managing any toll bridge or toll ferry located or operated entirely within this state and used in the business of transporting persons for compensation over the navigable or other streams crossing any public highways in this state, embraced in the state primary road system, and not operated exclusively within the incorporated limits of any city or town; and the terms "toll bridge" and "toll ferry" as used herein mean the toll bridges or ferries so operated by such bridge companies or ferry companies.

§ 2. No corporation or person, their lessees, receivers or trustees, however appointed, shall operate any such toll bridge or ferry for the transportation of persons for compensation over any stream crossing a public highway in this state embraced in the state primary road system, except in accordance with the provisions of this act.

§ 3. The commission is hereby vested with power and authority and it is hereby made its duty to grant certificates to operate and supervise and regulate, and to fix rates charged by every bridge company and ferry company in this state; to fix any classification rules and regulations for the guidance and control of such companies as they may deem necessary in addition to those imposed under the provisions of this act; to regulate the service, the hours of service and the safety of operations of each such bridge and ferry company; to fix, alter and regulate the rates of toll charged by such companies; to require the filing of annual or other reports and of any other data of such bridge or ferry companies in all matters affecting the relationship between the said companies and the traveling

public. The commission may at any time by its order duly entered, after hearing had upon ten days' notice to the operators of any bridge or ferry companies and a reasonable opportunity to such operators to be heard, at which it shall appear that such holder of a certificate for the operation of a bridge or ferry company, or both, without good cause violates or refuses to observe any of its orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this act; and shall take over the property and the mangement of such bridge or ferry company until the rights of rehearing, review and appeal as to such action by the commission as is provided for in section 5 of this act and there has issued a final order of the court.

§ 4. No bridge company or ferry company shall hereafter operate a toll bridge or toll ferry for the transportation of persons for compensation over any stream crossing any public highway in this Commonwealth embraced in the state primary road system without first having obtained from the commission under the provisions of this act a certificate declaring that public convenience and necessity require such operation, but a certificate shall be granted in all cases when it appears to the satisfiaction of the commission that such person, firm or corporation was actually operating in good faith over the bridge or stream for which such certificate shall be sought, on January first, one thousand nine hundred and twenty-six.

§ 5. In all matters in which the commission has power and authority under this act, it may hear applications and complaints, issue subpeonas and compel the attendance of witnesses and require persons to testify under oath, administer oaths; issue processes, orders, opinions and decisions, but from each decision of the commission an appeal may be taken to the circuit court of Franklin county and an appeal may be taken from said circuit court to the Court of Appeals, provided that such appeals to the circuit court shall have precedence of all other cases pending and such appeals to the Court

of Appeals shall have precedence over all other appeals pending, and further providing that the proceeding had before the commission and the evidence heard before it shall be certified to the circuit court when an appeal is taken and no other evidence shall be heard by the circuit court or the Court of Appeals.

§ 6. Neither this act nor any provision authorized shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union or business conducted for the United States government, except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of Congress.

§ 7. Every firm or corporation procuring a certificate of authority hereunder shall, at the time of application for certificate to operate, annually, on or before the first of March, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer or superintendent or manager of such association or corporation, if an association or corporation, make and file with the commission a statement in such form as the commission may prescribe.

§ 8. The statement provided for in the preceding section shall, in addition to any other information required by the commission, contain: (1) The name of the company; (2) the nature of the company, whether a person or persons, association or corporation, and under the laws of what state organized; (3) the location of its principal office; (4) the names and post office addresses of the president, secretary, auditor, treasurer, superintendent or manager; (5) the name and post office address of the chief officer or managing agent of the company in this state; (6) the location of the termini between which it transacts its ferry or bridge business; (7) the number and capacity of boats or other vehicles owned and used by any ferry company and the width of driveway of the bridge or bridges used; (8) the schedule of hours of service and trips

made; (9) the schedule showing the rates to be charged and the classification of patrons by rates.

§ 9. Whenever any bridge or ferry company shall apply to the commission for a certificate to operate, the applicant shall give notice of the filing of said application by publication made once a week for two weeks immediately prior to the date set for said hearing in a newspaper of general circulation published in the locality in which the applicant proposes to operate. The commission shall, after the filing of such application, fix a date within thirty days for the hearing upon same.

§ 10. Except as otherwise expressly provided, it shall be unlawful for any bridge company or ferry company, as defined in this act, to operate in this state over any bridge or stream other than that provided for in the certificate granted by the commission; or to fail or refuse to operate thereon in the manner and at the time specified in the certificate; except in case of emergency due to the act of God or unavoidable accident or in case it becomes necessary to make temporary detours; and it shall be unlawful for any such company to neglect or refuse to comply with and obey any and all regulations and orders of the commission and other statutory laws and regulations of the State of Kentucky governing and applying to bridges and ferries.

§ 11. Immediate notice in writing shall be given to the commission of accidents which shall result in the loss of life or when an injury is of a serious nature; and whenever by reason of accident, disability or breakdown, operation of such ferry or bridge business pursuant to the schedule filed with the commission and in compliance with the conditions prescribed by this act is impossible, it shall be the duty of the owner or person or persons or association or corporation lawfully in possession thereof to make arrangements for making available a substitute way to take the place of said bridge or ferry in order that the schedule may be maintained.

§ 12. In all cases of interruption to the regular service of bridges and ferries, where such interruptions have con-

tinued or are likely to continue over a period of more than twenty-four hours, written, telephonic or telegraphic notice shall be given to the commission of the character, cause and probable duration of the same, and of the arrangements made or in progress for making available a substitute crossing as provided herein.

§ 13. Representatives of the State Highway Commission are authorized at any and all times and places to make inspection under the provisions of this act. They shall have the right to enter into and upon any bridge or ferry to which this act is applicable for the purpose of ascertaining whether or not the provisions of this act, the rules and regulations of the commission, or any of them, have been violated, wilful refusal of the operator of any such toll bridge or ferry to permit such representative to enter into or upon such bridge or ferry or to furnish such representative any information as to rates charged, schedules observed and regulations obeyed shall be sufficient ground for the revocation or suspension of such permit.

§ 14. Each and every bridge or ferry company now or hereafter operating in this Commonwealth shall pay the following fees, to-wit: For each toll bridge conveying passengers or vehicles for which a toll is charged, and for each ferry boat carrying passengers, vehicles or freight for hire, or for which a toll is charged, a license fee of five ($5.00) dollars per annum will be charged the person, firm or corporation owning or operating same. All amounts required to be paid under this section shall be paid to the Treasurer of the Commonwealth of Kentucky for the credit of the road fund on or before the first day of March of each year for the calendar year; provided, however, that if any bridge or ferry company shall obtain a certificate after March first of any year, it shall pay, when it obtains the certificate, the full fee of five ($5.00) dollars.

§ 15. Failure to comply with any provisions of this act, or the rules and regulations formulated and promulgated

thereunder by the State Highway Commission, on the part of any bridge or ferry company shall automatically result in a revocation of the license permit provided for herein; in such cases and circumstances the commission is hereby empowered, authorized and directed to take over the operation of such ferry or bridge company; provided that the person or corporation owning and operating same may proceed under the provisions of section 5 of this act in the Franklin circuit court to determine, as therein provided, the rights of the person, company or corporation in controversy.

§ 16. The State Highway Commission is hereby empowered, authorized and directed to begin, as soon after this act shall become effective as conveniently possible, to take all steps necessary to carry the provisions of said act into effect and shall have printed all such blanks, rules, regulations and directions as may be necessary to enforce the rules and regulations made hereunder beginning on the first day of July, 1926.

§ 17. All acts and amendments in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Geo. A. Brown	W. A. Carson
Wm. J. Arvin	J. R. Buckman	C. B. Carver
W. O. Bach	W. G. Buckner	Lee Clark
D. F. Brown	S. J. Bunger	Lonnie Cooper

J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Marmon B. Daniel
J. R. Dorman
E. J. Doss
D. E. Edwards
J. O. Evans
D. W. Fowler
R. E. Glenn
F. A. Gnau
Lawrence Harmon
J. F. Harrison
C. W. Hawkins
Goebel B. Henson
H. B. Holland
J. C. Hutcherson
E. M. Johnson
Grover C. Johnson
W. W. Johnson
Mrs. H. G. Jorris
W. O. Keller
W. W. Leslie
J. L. Manning
Shelby Martin
H. H. Miller
J. S. Milliken
L. P. Murphy
Chas. N. McCarty
J. L. McDavid
W. J. McGill
F. T. Nichols
Smith Park
Geo. W. Potter
H. A. Pulliam
Clint Raymer
R. R. Rogers
Chas. L. Seale
M. G. Slusher
W. R. Smith
E. J. Snyder
Frank L. Strange
Chiles Van Antwerp
W. S. Wallen

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Those who voted in the negative were—

T. H. Benton
Shaler Berry
W. P. Bowman
F. W. Bryant
Fred H. Coots
Otto C. Gartin
J. M. Hayse
H. M. Holbrook
Ira L. Horne
J. R. Kelly
Caleb Page
Jas. J. Peters
W. H. Pryor
Philip J. Ryan
C. W. Ryans
Mac Swinford
T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 247. An Act repealing and re-enacting Chapter 47, Acts of the General Assembly of 1922, same relating to Banks and Banking.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 47 of the Acts of the General Assembly of 1922, same relating to Banks and Banking, be and the same is now repealed, and that same be and now is re-enacted so as to read as follows, to-wit:

The Banking Commissioner shall have the power to appoint eight suitable and competent persons as State Bank Examiners, the term of office of four of whom shall be for a term of two years, and the remainding four for a term of four years from July 1st, 1926. Thereafter, and as the terms of said examiners shall expire, the Banking Commissioner shall appoint such examiners for a period of four years from date of appointment, which said appointments shall be biennially, during the month of June, said appointments to become effective July first, biennially. Appointments to fill vacancies shall be for the unexpired term only. Each state bank examiner shall receive an annual salary of two thousand five hundred ($2,500.00) dollars, payable out of the treasury from funds placed to the credit of the Banking Department, in monthly installments, and such examiners shall be paid their necessary traveling and hotel expenses on properly itemized and verified accounts rendered to and approved by the Banking Commissioner, and on presentation to the Auditor of Public Accounts. The bank examiners are authorized and empowered to examine building and loan associations and any and all institutions coming under the supervision of the Banking Department, and the building and loan clerk and examiners are authorized and empowered to examine banks and all other institutions coming under the supervision of

the Banking Department, and the Banking Commissioner, when in his judgment it appears necessary, may temporarily employ other assistance in the examination of any institution coming under his supervision, such to be paid out of funds of the Banking Department in the same manner as examiners are paid.

§ 2. All laws and acts, or parts thereof in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	J. C. Hutcherson
Wm. J. Arvin	C. L. Daly	E. M. Johnson
W. O. Bach	Mormon B. Daniel	Grover C. Johnson
J. H. Baughman	J. R. Dorman	W. W. Johnson
T. H. Benton	E. J. Doss	D. C. Jones
Shaler Berry	D. E. Edwards	Mrs. H. G. Jorris
W. P. Bowman	J. O. Evans	W. O. Keller
D. F. Brown	D. W. Fowler	J. R. Kelly
Geo. A. Brown	Otto C. Gartin	W. W. Leslie
J. R. Buckman	R. E. Glenn	Leon P. Lewis
W. G. Buckner	F. A. Gnau	Shelby Martin
S. J. Bunger	Lawrence Harmon	H. H. Miller
W. A. Carson	J. F. Harrison	J. S. Milliken
Lee Clark	C. W. Hawkins	L. P. Murphy
Fred H. Coots	Goebel B. Henson	Chas. N. McCarty
J. D. Cox	H. M. Holbrook	J. L. McDavid
J. S. Cruse	H. B. Holland	W. J. McGill
W. J. Curtis	Ira L. Horne	Caleb Page

Jas. J. Peters	Philip J. Ryan	E. J. Snyder
Geo. W. Potter	M. G. Slusher	C. D. Vincent
W. H. Pryor	W. R. Smith	W. S. Wallen

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 246. An Act to repeal and re-enact section 2 of chapter 34, Acts of the General Assembly of 1914, relating to the State Banking Department, same being section 165a-5, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of chapter 34 of the Acts of the General Assembly of 1914, same now being section 165a-5, Kentucky Statutes, Edition 1915, be and the same is hereby repealed, and the same is also hereby re-enacted so as to read as follows:

(165a-5). The Banking Commissioner shall appoint a Deputy Banking Commissioner whose term of office shall be for four years, said Deputy Banking Commissioner shall be authorized to perform any and all duties imposed upon the Banking Commissioner, under his direction, and shall act as Commissioner in his, the Banking Commissioner's absence, or his inability to act. The appointment of such Deputy shall

be made on the first day of July of every four years, except in case of vacancy, when such shall be filled for the unexpired four year term.

The Deputy Banking Commissioner shall be paid an annual salary of three thousand ($3,000.00) dollars, in equal monthly installments out of funds in the treasury to the credit of the Banking Department, and shall also be allowed necessary traveling and hotel expenses, when claims for such be made as required by law, and approved by the Banking Commissioner.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lonnie Cooper	R. E. Glenn
Wm. J. Arvin	Fred H. Coots	F. A. Gnau
J. H. Baughman	J. D. Cox	Lawrence Harmon
T. H. Benton	J. S. Cruse	C. W. Hawkins
W. P. Bowman	W. J. Curtis	J. M. Hayse
D. F. Brown	J. L. Cushing	Goebel B. Henson
Geo. A. Brown	C. L. Daly	H. B. Holland
F. W. Bryant	Mormon B. Daniel	E. M. Johnson
W. G. Buckner	E. J. Doss	Grover C. Johnson
S. J. Bunger	D. E. Edwards	D. C. Jones
W. A. Carson	J. O. Evans	W. O. Keller
C. B. Carver	D. W. Fowler	Thos. H. King
Lee Clark	Otto C. Gartin	W. W. Leslie

Leon P. Lewis	W. J. McGill	W. R. Smith
J. L. Manning	F. T. Nichols	E. J. Snyder
Shelby Martin	Caleb Page	J. G. Swearengin
A. M. Mercer	Jas. J. Peters	Mac Swinford
J. S. Milliken	Geo. W. Potter	Chiles Van Antwerp
L. P. Murphy	W. H. Pryor	W. S. Wallen
Chas. N. McCarty	Philip J. Ryan	T. B. Watts
J. L. McDavid	M. G. Slusher	

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Those who voted in the negative were—

J. F. Harrison	J. R. Kelly	R. R. Rogers
J. C. Hutcherson	Clint Raymer	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 248. An Act to repeal and re-enact Section 10 of chapter 4 of the Acts of the General Assembly of 1912, same being section 165a-10 Kentucky Statutes, relating to Banks and Banking.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 10 of chapter 4 of the Acts of the General Assembly of Kentucky, same being section 165a-10, Ken-

tucky Statutes, relating to banks and banking, be and the same is hereby repealed and re-enacted, and as re-enacted shall and does read as follows, to wit:

Every bank, trust company, combined bank and trust company, and any other institution coming within the purview of the banking department laws, whenever required by the banking commissioner, but not to exceed five times in any year unless for cause the commissioner deem additional reports necessary to gain complete information, shall make a report in writing to him, verified by the oath of its president or vice president and its secretary or cashier, or two principal officers.. Such reports shall show the actual condition of the bank making the report at the close of business on any date designated by the commissioner and shall specify the following:

(1) The amount of its capital stock and the number of shares into which it is divided.

(2) The names of the directors, and the number of shares of stock held by them.

(3) The total amount of capital actually paid in, and the total amount of surplus and other reserve funds, if any.

(4) The total amount due (a) depositors, (b) all other liabilities.

(5) The total amount and character of (a) overdrafts secured, (b) overdrafts not secured, and (c) all other assets.

(6) The amounts at which the lot and building occupied by the bank for the transaction of its business stands debited on its books, together with the market value of all other real estate held, and whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the books, and where situated.

(7) The amount loaned on real estate.

(8) The indebtedness or liability (a) of each officer, and (b) of each director to such bank.

(9) The amount invested in (a) bonds, and (b) stocks.

(10) The amount loaned on (a) stocks and bonds, (b) on other securities, (c) commercial paper and (d) other notes and bills.

(11) The actual amount of money on hand and on deposit in other banks, with the name of such banks where deposited.

(12) Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situated and the value of such property, and the amount so loaned, deposited, or placed, and any other information he may require relating to the conduct and affairs of such bank.

(13) Each and every officer of any bank, trust company or combined bank or trust company, or other institution required by law to make reports hereunder to the banking commissioner, who shall swear and make oath to any such statement knowing same to be false in any part thereof, shall be guilty of false swearing, and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. H. Baughman	Geo. A. Brown
Wm. J. Arvin	W. P. Bowman	F. W. Bryant
W. O. Bach	D. F. Brown	J. R. Buckman

S. J. Bunger	Goebel B. Henson	J. S. Milliken
W. A. Carson	H. M. Holbrook	L. P. Murphy
C. B. Carver	H. B. Holland	Chas. N. McCarty
Lee Clark	Ira L. Horne	W. J. McGill
Lonnie Cooper	J. C. Hutcherson	Caleb Page
Fred H. Coots	E. M. Johnson	Jas. J. Peters
J. D. Cox	Grover C. Johnson	Geo. W. Potter
J. S. Cruse	W. W. Johnson	W. H. Pryor
J. L. Cushing	Mrs. H. G. Jorris	R. R. Rogers
C. L. Daly	W. O. Keller	Philip J. Ryan
J. R. Dorman	J. R. Kelly	C. W. Ryans
E. J. Doss	Thos. H. King	M. G. Slusher
D. E. Edwards	W. W. Leslie	W. R. Smith
Otto C. Gartin	Leon P. Lewis	E. J. Snyder
R. E. Glenn	J. L. Manning	C. D. Vincent
F. A. Gnau	Shelby Martin	W. S. Wallen
Lawrence Harmon	A. M. Mercer	T. B. Watts
C. W. Hawkins	H. H. Miller	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 249. An Act to repeal and re-enact chapter 46 Acts of the General Assembly of 1922, relating to fees for examination of banks and trust companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 46 of the Acts of the General Assembly of 1922, relating to the fees paid for examination of banks and trust companies be and the same is now repealed, and that same be and is now re-enacted so as to read as follows, to-wit:

For the report of a bank, trust company or combined bank and trust company, a filing fee of one ($1.00) dollar shall be paid by such institution to the Banking Commissioner.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the Banking Commissioner the following fees, to-wit:

"On each bank, trust company or combined bank and trust company having assets of not more than $300,000 a flat fee of $25; institutions having assets of $300,000 and not more than $600,000 a flat fee of $30.00; on each of said institutions having assets of $600,000 and not more than $1,000,000 a flat fee of $40.00; on each of said institutions having assets of $1,000,000 and not more than $2,000,000 a flat fee of $60.00; on each of said institutions having assets of $2,000,000 and not more than $4,000,000 a flat fee of $100; on each of said institutions having assets of $4,000,000 or more a flat fee of $200.00."

In addition to the flat fees as fixed in the foregoing schedule, each of said institutions shall also pay for each examination a charge of three (3) cents on each $1,000.00 of assets, or fractional part of $1,000.00 of assets, excluding bonds, mortgages and purchase lien notes deposited as security for bonds issued, in the hands of trustees, and all assets held by any institution in a fiduciary capacity.

All moneys collected by the Banking Commissioner for such examinations, or otherwise shall be paid as collected into the state treasury and then credited to an account of the Banking Department.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.;

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	H. H. Miller
Wm. J. Arvin	Otto C. Gartin	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	C. W. Hawkins	W. J. McGill
D. F. Brown	Goebel B. Henson	F. T. Nichols
Geo. A. Brown	H. M. Holbrook	Caleb Page
F. W. Bryant	H. B. Holland	Smith Park
W. G. Buckner	Ira L. Horne	Jas. J. Peters
S. J. Bunger	J. C. Hutcherson	Geo. W. Potter
W. A. Carson	E. M. Johnson	W. H. Pryor
Lee Clark	Grover C. Johnson	R. R. Rogers
Lonnie Cooper	W. W. Johnson	C. W. Ryans
Fred H. Coots	D. C. Jones	M. G. Slusher
J. D. Cox	Mrs. H. G. Jorris	W. R. Smith
J. L. Cushing	W. O. Keller	E. J. Snyder
C. L. Daly	J. R. Kelly	C. D. Vincent
J. R. Dorman	Thos. H. King	W. S. Wallen
E. J. Doss	J. L. Manning	T. B. Watts
D. E. Edwards	Shelby Martin	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 262. An Act to repeal and re-enact an act entitled, "An Act to create a commission to be known as the Kentucky Child Welfare Commission and to prescribe its duties and functions," which act became a law on March 24, 1922, being chapter 107 of the Acts of 1922, and to repeal and re-enact chapter 15 of the Acts of 1924, being an act to provide for the treatment and care of crippled children and to create a commission to carry out the provisions thereof, known as the Kentucky Crippled Children's Commission, and to create in lieu of said Kentucky Child Welfare Commission and of said Kentucky Crippled Children's Commission, the Kentucky Crippled Children's Bureau, and to prescribe its duties and functions, and making an appropriation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 107 of the Acts of 1922, being an act entitled "An Act to create a commission to be known as the Kentucky Child Welfare Commission and to prescribe its duties and functions," and that chapter 15 of the Acts of 1924, being an act to provide for the treatment and care of crippled children, and to create a commisson to carry out the provisions thereof, known as the Kentucky Crippled Children's Commission, are hereby repealed, and said Kentucky Child Welfare Commission and the Kentucky Crippled Children's Commission, created by said acts, are hereby abolished.

§ 2. There is hereby created, for the purpose of taking over all the duties, functions, rights and powers of the Kentucky Child Welfare Commission and of the Kentucky Crippled Children's Commission, a bureau to be known as the Kentucky Crippled Children's Bureau, composed of nine (9)

members, who shall be citizens and voters of the state of Kentucky, of not less than thirty (30) years of age, and shall have been residents of the state at least two (2) years before their appointment, and who shall serve without compensation.

The members of the bureau shall be appointed by the Governor, three for a period of one year; three for a period of two years, and three for a period of three years, and thereafter all appointments, except to fill vacancies caused by death, resignation or removal, shall be for a full term of three years, and until their successors are appointed and qualified.

§ 3. The Kentucky Crippled Children's Bureau shall be a body corporate and by that name and style may contract and be contracted with, sue and be sued, and do and perform all things necessary to execute the duties required and the powers invested in them by law.

The members may adopt necessary rules and regulations to carry out the provisions of this act, not inconsistent with the laws of the Commonwealth.

Each of said members shall take the oath of office required of other state officers before entering upon the discharge of his or her duties, a record of which shall be entered upon the Executive Journal in the Governor's office.

§ 4. The Kentucky Crippled Children's Bureau shall have office room or desk room in the Capitol at Frankfort, and shall hold a monthly meeting and such special meetings as may be called by the chairman or on written request of a majority of its members.

The bureau shall elect annually from its membership a president, a vice president, a secretary and a treasurer, and shall make full record of all its proceedings and transactions, which shall be kept in the place where the state archives are kept, and shall be open at all times for inspection.

The office of secretary and treasurer may be held by the same person.

The fiscal year of the bureau shall be the same as the fiscal year of the other state boards.

§ 5. The bureau shall have authority to appoint, by and with the advice, consent, and subject to the approval of the Governor, a director of the bureau, and such assistants as they may deem necessary, and to fix, subject to the written consent and approval of the Governor, compensation of said director and assistants.

§ 6. The bureau is hereby authorized to assist in the establishment of county crippled children's bureaus, and shall co-operate with such boards as may have been established and with all agencies, institutions and associations concerned with the welfare of children.

§ 7. It shall be the duty of the Crippled Children's Bureau to continue the survey of child welfare in the Commonwealth of Kentucky heretofore begun by the Children's Code Commission, authorized under joint resolution of the General Assembly of 1920, and continued by the Kentucky Child Welfare Commission, authorized by Act of the General Assembly of 1922, to investigate and study the needs of Kentucky children, and present to the Governor and General Assembly prior to each legislative session a report of their findings and recommendations based thereon; to prepare data upon the subject and to be ready at all times to advise the Governor or any member of the General Assembly concerning the bills relating to children which may be introduced at any session of the General Assembly. Provided that in no event shall any member or agent of said Kentucky Crippled Children's Bureau enter any home, family, school or institution for the purpose of making any investigation or of performing any duty under this act without the consent and permission of the head of the home or family, or the person or persons in charge of the school or institution.

§ 8. It shall further be the duty of the bureau to discover neglected, delinquent crippled and defective children and to secure for them the benefit of the law.

§ 9. The said bureau created by section two hereof, in its corporate name, shall have power and authority to receive

and hold the title to property, both real and personal, by gift, devise, bequest and conveyance, to be used by said bureau for the purposes for which same was received, and its use shall never be diverted to other purposes. All money and other personal property so received by said bureau shall be deposited with the Treasurer of the Commonwealth of Kentucky, and said money shall be deposited by the Treasurer in a separate fund for the use and benefit of said bureau to be expended by them in carrying out the provisions of this act; and the income from all notes, stocks, bonds or other securities shall be deposited and credited to said fund by the Treasurer for the use and benefit of said bureau as aforesaid.

§ 10. The words "crippled children," for the purposes of this act, shall include all physically handicapped, as well as all delinquent, neglected or defective children, whether such defect be mental or physical, under the age of eighteen (18) years, except those who shall have been found to be solely and permanently blind or solely and permanently deaf.

§ 11. Said bureau shall have the authority to expend out of the funds received under the provisions of section nine (9) hereof, or funds herein appropriated, such sums as may be necessary for the proper care and treatment of such crippled, neglected, delinquent or defective children as shall be committed to its care. The treasurer of said bureau shall execute bond for the Commonwealth in such penalty as may be required by the Governor for a proper accounting of all funds that come into his hands.

§ 12. The parent, guardian, or person having in charge any crippled, neglected, delinquent or defective child, or any person interested in such child, may call to the attention of the county judge of the county in which such child resides, to its physical infirmity, and the county judge shall be empowered to commit such child to the care and custody of said bureau for treatment. But in no event shall the judge commit any child without the consent of its parents, guardian or person having it in charge. Children committed to its care for

treatment shall be placed in a hospital or home, as may be properly equipped for their treatment and under the care of such physicians or surgeons or nurses as the said bureau may deem qualified to render the service needed by the child. No child shall be committed to the care or custody of said bureau for treatment under the provisions of this act where its parents, guardian or person having it in charge, if related to said child, is able to pay for the treatment of said child. Provided, however, where the parent, guardian or person having said child in charge can only pay a portion of the cost of said treatment, the said child in their custody may be committed by the county judge under the provisions of this act, and such parent, guardian or person having said child in charge shall pay such sums as they are able to pay, and the funds thus received from said source shall be turned over to the bureau and shall be applied in payment of the cost of treatment and care of said child. The bureau shall have authority to pay for board, suitable clothing and for other necessities for any child committed to its care and custody. Provided, that no service shall be rendered by it which is in any sense a duplication of services rendered by any other state or federal agency.

§ 13. The bureau shall have the right to pay the necessary traveling expenses of children committed or sent to it for care and treatment from the home of such child to such institution, to which it or they may be committed, and to pay the traveling expenses of such child or children from such institution to their homes when discharged from such institutions.

§ 14. The books and accounts of the bureau shall be open at all times to the examination of the State Inspector and Examiner, and the bureau shall make a biennial report to the Governor showing the amount of money received and expended and a detailed statement of its activities for said period, and a copy of such report shall be furnished each member of the General Assembly at its first session following the filing of such report with the Governor.

§ 15. There is hereby appropriated out of the Treasury for the fiscal year ending June thirtieth, nineten hundred and twenty-seven, the sum of one hundred thousand ($100,000.00) dollars, or so much thereof as may be necessary, and for the fiscal year ending June thirtieth, nineteen hundrd and twenty-eight, the further sum of one hundred thousand ($100,000.00) dollars, or so much thereof as may be necessary. The treasurer of the bureau shall make a monthy statement to the State Auditor showing the amount necessary to meet the expenses of the month and make requisition on the Auditor for warrant to cover same and for such additional amount as may be necessary as an emergency fund for the month following. Provided, that if there be a fund or deposit in the office of the Treasurer of the Commonwealth as provided for in section nine (9) hereof, the treasurer of said bureau shall designate in a separate warrant drawn by him on the Auditor that the warrant is to be paid out of said separate fund provided for under section nine (9) hereof, and if drawn on such a fund supplied by an appropriation he shall designate on the face of the warrant that it is to be paid out of the fund so provided.

§ 16. The fiscal court of any county may appropriate funds to be paid out of the county levy for the payment in whole or in part for the care and treatment of crippled, neglected, delinquent or defective children committed from said county, and said funds so appropriated shall be expended for the care and treatment of such child or children as may be designated in the order of the fiscal court, and an itemized statement of the expenditure of such fund by said bureau appropriated as aforesaid and turned over to it shall be filed with the judge of the county court of the county of the residence of said child or children mentioned in the order making said appropriation.

§ 17. Whereas, the need for the immediate care and treatment of such crippled, neglected, delinquent or defective children is so great, an emergency is declared to exist and this

act shall take effect from and after its passage and approval by the Governor.

§ 18. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Together with the following Amendment thereto by way of Substitute therefor as offered by the Committee on Rules, viz.:

Amendment by way of substitute for Senate bill No. 262, in the House.

An Act to amend and re-enact Section one (1) Chapter fifteen (15) of the Acts of 1924 session of the General Assembly of the Commonwealth of Kentucky, entitled An Act to provide for the treatment and care of crippled children and to create a commission to carry out the provisions of this Act and provide funds to defray the expenses incident to such care and treatment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section one (1) of Chapter fifteen of the 1924, Acts of the General Assembly of the Commonwealth of Kentucky, be and the same is hereby amended and re-enacted and as amended and re-enacted shall read as follows:

There is hereby created a commission to be composed of seven (7) members to be appointed by the Governor, at least three of whom shall be appointed from a list of six (6) names recommended by the Kentucky Society for Crippled Children, and the other four (4) from the State at large. Said Commission shall be known as "The Kentucky Crippled Children Commission," and by that name and style to be a body corporate and politic, and may contract and be contracted with, sue and be sued, and do and perform all things necessary to execute the duties required and the powers vested in them by

law. They may adopt necessary rules and regulations to carry out the provisions of this act, not inconsistent with the laws of the Commonwealth. The term of office of the members of the Commission shall be for a period of four years from their appointment and until their successors have been appointed and qualified, and each of said commissioners shall serve without compensation. Each of said commissioners shall take the oath of office required of other State officers before entering upon the discharge of his or her duty, a record of which shall be entered upon the Executive Journal in the Governor's office. Said commission shall organize by the election of a president, vice-president, secretary and treasurer, and the office of secretary and treasurer may be held by the same person. All members of said commission shall be qualified voters of the Commonwealth of Kentucky at the time of his or her appointment and shall be at least thirty (30) years of age and shall have been a resident citizen of the State at least two years before his or her appointment.

Section 2. The provisions of this Act shall not affect the tenure in office of any member of the Kentucky Crippled Children Commission as now constituted.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Mr. Berry offered the following amendment to said substitute, viz.:

Amend Substitute for Senate Bill 262 by adding at the end of section 1, page 2 the following:

"The Commission shall have authority to appoint a Director and such assistants and employees as it may deem necessary and to fix, subject to the written consent and approval of the Governor, the compensation of said Director, assistants and employees.

Said Amendment was agreed to.

Said Substitute, as amended, was then adopted.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	H. J. Meyers
J. H. Baughman	R. E. Glenn	H. H. Miller
Shaler Berry	F. A. Gnau	T. R. Moore
W. P. Bowman	J. F. Harrison	Chas. N. McCarty
D. F. Brown	C. W. Hawkins	J. L. McDavid
J. R. Buckman	H. M. Holbrook	W. J. McGill
W. G. Buckner	H. B. Holland	Caleb Page
S. J. Bunger	J. C. Hutcherson	Smith Park
C. B. Carver	E. M. Johnson	Jas. J. Peters
Lee Clark	Grover C. Johnson	Geo. W. Potter
Lonnie Cooper	D. C. Jones	H. A. Pulliam
J. D. Cox	Mrs. H. G. Jorris	Philip J. Ryan
J. S. Cruse	W. O. Keller	M. G. Slusher
W. J. Curtis	J. R. Kelly	W. R. Smith
J. L. Cushing	Thos. H. King	F. J. Snyder
C. L. Daly	W. W. Leslie	Frank L. Strange
Mormon B. Daniel	Leon P. Lewis	C. D. Vincent
J. R. Dorman	J. L. Manning	W. S. Wallen
D. E. Edwards	Shelby Martin	T. B. Watts
J. O. Evans	A. M. Mercer	

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Those who voted in the negative were—

T. H. Benton	Lawrence Harmon	W. H. Pryor
F. W. Bryant	Goebel B. Henson	Clint Raymer
Fred H. Coots	Ira L. Horne	Chiles Van Antwerp
Otto C. Gartin	F. T. Nichols	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 426. An Act to authorize the State Board of Charities and Corrections to lease or purchase farm lands or farms for the employment of convict labor or the labor of inmates of the several charitable nd penal institutions, and providing for the improvement of lands purchased.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Charities and Corrections be and it is hereby authorized and empowered to lease or purchase, on such terms as the Board may agree upon, farm lands, improved or unimproved, for the employment of convict labor or the labor of inmates of the several charitable and penal institutions, and if by lease, said lease to be limited to the term of the Governor approving the same, and the said State Board of Charities and Corrections may prescribe all necessary rules and regulations for the support and maintenance of prisoners while at work on such farm or farms, and the contract price of such lease shall be certified to the Auditor by said Board, and paid as other claims against the Commonwealth, but no lease so made by said Board shall be binding or effective until the same has been submitted to the Governor and shall have been approved by him.

§ 2. That said Board is further authorized and empowered to erect or construct all necessary improvements on any lands purchased in pursuance of this act.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	Shelby Martin
Wm. J. Arvin	J. O. Evans	H. H. Miller
W. O. Bach	Otto C. Gartin	J. S. Milliken
T. H. Benton	R. E. Glenn	T. R. Moore
Shaler Berry	F. A. Gnau	L. P. Murphy
W. P. Bowman	Lawrence Harmon	Chas. N. McCarty
D. F. Brown	J. F. Harrison	J. L. McDavid
Geo. A. Brown	Goebel B. Henson	F. T. Nichols
F. W. Bryant	H. M. Holbrook	Smith Park
W. G. Buckner	H. B. Holland	Jas. J. Peters
S. J. Bunger	E. M. Johnson	Geo. W. Potter
C. B. Carver	Grover C. Johnson	W. H. Pryor
Lee Clark	W. W. Johnson	H. A. Pulliam
Lonnie Cooper	D. C. Jones	Philip J. Ryan
J. D. Cox	Mrs. H. G. Jorris	Chas. L. Seale
W. J. Curtis	W. O. Keller	M. G. Slusher
J. L. Cushing	J. R. Kelly	W. R. Smith
C. L. Daly	Thos. H. King	E. J. Snyder
Mormon B. Daniel	W. W. Leslie	W. S. Wallen
J. R. Dorman	Leon P. Lewis	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 200. An Act making it unlawful for any judge of a circuit court or county court or police court or justice of the peace to suspend any judgment or any part thereof, in a misdemeanor case, in favor of the Commonwealth or to stay execution of same after such judgment shall have become final, and making it unlawful for any officer of any county, district, or city of this Commonwealth to release a prisoner from any county jail while confined therein under a judgment of a court of this Commonwealth, and fixing penalties for such violations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any circuit judge, police judge or justice of the peace of this Commonwealth to enter any order in the court over which such officer presides suspending any judgment or part thereof in favor of the Commonwealth in a misdemeanor case or staying the execution thereof after such judgment shall have become final.

§ 2. It shall be unlawful for any officer for any county, district or city of this Commonwealth to release from any county jail of any county in the Commonwealth any prisoner who has been placed in such jail under a final judgment of a court rendered in favor of the Commonwealth of Kentucky, prior to the day such judgment shall have been satisfied, un-

less such judgment has been appealed from and superseded, or paid, or replevied, or unless such prisoner so confined in such a jail shall have been pardoned by the Governor of this Commonwealth or released on a judgment under a writ of habeas corpus.

Provided, however, any regular circuit court judge of this Commonwealth may, during term time or during vacation, enter an order on the records of the circuit court clerk of any county in which such judge presides, by which order such circuit judge may suspend any fine or jail sentence of any prisoner convicted of a misdemeanor or misdemeanors and then confined in the jail if the circuit judge is of the opinion from affidavits filed or testimony taken that the life of the prisoner or the life of any other prisoner confined in such jail is endangered by reason of the physical condition of the prisoner to be paroled, or whenever such prisoner so confined upon conviction of a misdemeanor has been confined in said jail for a period of six or more consecutice months on one or more jail sentences or upon a fine or fines assessed in a misdemeanor case or cases or by reason of failure of such prisoner so confined to execute a peace bond or bonds in misdemeanor cases by reason of judgments entered in said circuit court in favor of the Commonwealth or by reason of judgments entered by the judge of the county or the police court or any magistrate's court of such county in favor of the Commonwealth. The order, when so entered, shall state the reason therefor and shall operate as a parole to the prisoner so confined in the county jail and such parole shall be during the good behavior of the prisoner so paroled and when a certified copy of such ordr is delivered to the jailer of the county in which said prisoner is confined the jailer shall immediately release said prisoner.

The suspension and the fine and imprisonment and the granting of paroles may be revoked by the circuit judge granting same or by his successor in office at any time within twelve months after same has been granted and it shall be the duty

of each circuit judge of this Commonwealth to suspend fine and imprisonment and grant a parole to any prisoner who has been confined in any county jail in his district for a period of twelve consecutive months upon a charge or upon a conviction of a misdemeanor or misdemeanors, and such suspension and parole may be revoked at any time within twelve months after same has been granted.

No appeal can be taken from any order of the circuit court judge suspending a fine or imprisonment and granting a parole as herein provided.

§ 3. Any such officer so releasing such prisoner while confined in county jail under a judgment of a court in favor of the Commonwealth of Kentucky in any manner except as herein provided and any officer who shall make or enter an order suspending a final judgment or any part thereof in favor of the Commonwealth in the court over which such officer presides or makes or enters an order staying the enforcement of such judgment or any part thereof, except in the manner provided by law, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not exceeding $1,000.00.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
Wm. J. Arvin	R. E. Glenn	H. H. Miller
J. H. Baughman	F. A. Gnau	T. R. Moore
T. H. Benton	Lawrence Harmon	Chas. N. McCarty
Shaler Berry	C. W. Hawkins	W. J. McGill
W. P. Bowman	J. M. Hayse	F. T. Nichols
D. F. Brown	H. M. Holbrook	Smith Park
F. W. Bryant	H. B. Holland	Jas. J. Peters
J. R. Buckman	Ira L. Horne	W. H. Pryor
W. G. Buckner	E. M. Johnson	H. A. Pulliam
Lee Clark	Grover C. Johnson	Clint Raymer
Lonnie Cooper	D. C. Jones	Philip J. Ryan
J. D. Cox	Mrs. H. G. Jorris	C. W. Ryans
W. J. Curtis	W. O. Keller	M. G. Slusher
J. L. Cushing	J. R. Kelly	C. D. Vincent
Mormon B. Daniel	W. W. Leslie	
J. R. Dorman	J. L. Manning	

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Those who voted in the negative were—

W. O. Bach	J. F. Harrison	R. R. Rogers
S. J. Bunger	Goebel B. Henson	W. R. Smith
W. A. Carson	Thos. H. King	E. J. Snyder
C. L. Daly	J. L. McDavid	Chiles Van Antwerp
D. E. Edwards	Geo. W. Potter	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 270. An Act to prevent fraud, deceit, or imposition in the sale or disposition of contracts, stocks, bonds; or written evidence of debt, certificates showing present or future interest in any property or business enterprise or venture, or other securities sold or offered for sale within the Commonwealth of Kentucky by any person, persons, partnership, company, association, trust or corporation, foreign or domestic, authorizing the inspection of and such regulation and supervision of the business of any person, persons, firms, partnerships, companies, associations, trust or corporations engaged in the business or any part thereof described in this act as may be necessary to prevent fraud, deceit, or imposition in the sale or offer for sale within this Commonwealth of any contracts, stocks, bonds; written evidences of debt, or of (certificates showing) present or future interest in any property, business enterprise or venture, or other securities mentioned in this act; providing penalties for a violation of this act, and placing the supervision and enforcement of the act in the hands of a Commissioner of Securities to be appointed by the Governor of the Commonwealth of Kentucky, and authorizing him to appoint a secretary and field man, repealing chapter 125 of the acts of 1920, page 582, which contains an act known as the "Blue Sky Law" and other laws in conflict with this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Kentucky Securities Department Established—Commissioner—Secretary—Field Man. There is hereby established a department of the State Government to administer and execute this law, and said department shall be known as the "Kentucky Securities Department" and be under the charge of the commissioner to be styled the "Commissioner of the Kentucky Securities Law," and who shall be appointed by the Governor. The term of office of the Commissioner

shall be four years and until his successor is appointed and qualified, and he may be removed for sufficient cause, involving his conduct of the office and not political, in writing by the Governor at any time after reasonable notice. The Commissioner shall be a citizen and resident of Kentucky, not less than thirty years of age, and shall be a representative business man, capable of performing with efficiency the duties of his office, he shall receive a salary of four thousand dollars a year, payable at the same time and in the same manner as the salary of the Governor. The Commissioner shall have an office provided, furnished and equipped by the Commonwealth at the seat of government and he shall have the power to appoint a Secretary, who shall also be deputy commissioner and who shall receive a monthly salary of ($150) one hundred and fifty dollars, and also a field deputy who shall receive a like salary, together with his actual expenses when traveling on business for the Department, the expenses to be itemized and approved by the Commissioner; their salaries and expenses shall be payable at the same time and manner as the salary of the Commissioner.

§ 2. Definitions. When used in this act the following terms shall unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas ar mining lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any share, investment contract, or beneficial interest in or title to property, profits or earnings or any other instrument commonly known as a security.

(2) "Person" shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unin-

corporated organization. As used herein the term "trust" shall be deemed to include a common law trust, but shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a securtiy for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter advertisement or otherwise.

(4) "Dealer" shall include every person other than a salesman who in this state engages either for all or part of his time direclty or through an agent in the business of selling any securities whether exempt or not exempt issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or of offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of such securities provided that the word "dealers" shall not include a person having no place of business in this state who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. Provided that banks and trust companies that in the ordinary course of their business purchase and sell notes that are secured by a first lien on real property situated in Kentucky, the total value of which notes do not exceed 70% of the fair and reasonable value of the property on which they are a lien and do not exceed tweny-

five thousand dollars, shall not be dealers within the meaning of this section or act.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued or shall hereafter issue any security. Any natural person who acts as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer, or issuer to sell securities in any manner in this state. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(7) "Agent" shall mean salesman as hereinabove defined.

(8) "Commissioner" shall mean the Commissioner of Securities.

§ 3. Exempt Securities. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia or by any state or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued or payment thereof guaranteed by a national bank or by any federal land bank or joint-stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by the War Finance Corporation or by any corporation created

or acting as an instrumentality of the government of the United States pursuant to authority granted by the congress of the United States; provided, that such corporation is subject to supervision or regulation by the government of the United States.

(d) Any security issued or guaranteed as to principal and interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision as to its rates and charges or as to the issue of its own securities and those guaranteed by it by a public commission, board or officer of the government of the United States, or of any state, territory or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada or any province thereof; also equipment notes or bonds based on chattel mortgages, leases or agreements for conditional sale, of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any state, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds or notes; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on the New York Stock Exchange or any other recognized and responsible stock exchange which has been previously approved by the Commissioner and which securities have been so listed persuant to official authorization by such exchange and also all securities senior to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect; provided, the commissioner may at any time for cause withdraw the exemption allowed by this section from any security dealt in on any stock exchange herein mentioned or referred to.

(g) Any security a direct obligation or of payment thereof guaranteed by a state bank, trust company; title company, real estate mortgage company engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes or bonds, or its own obligations secured by such notes or bonds, or savings institution incorporated under the laws of this or any state and subject to the examination, supervision and control of this or any state or territory of the United States or of any insular possession thereof.

(h) Negotiable promissory notes or commercial paper; provided, that such issue of notes or commercial paper mature in not more than twelve (12) months from the date of issue and shall be issued within three (3) months after the date of sale.

(i) Fifty (50) per cent of the capital stock first issued by a corporation organized under the laws of this state for the purpose of doing business in this state, to enable it to transact business under section 543 of the Kentucky Statutes where no expense in excess of one per cent of the proceeds from the sale of its capital stock is so issued is incurred, and no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such capital stock, and no part of the issue so disposed of is issued directly

or indirectly in payment for patents, services, good will, trade marks, leases, copyrights, processes, formulae, or other intangible assets. The president and secretary of the corporation shall, prior to such disposal, file with the Commissioner a written verified statement setting forth the existence of the above facts, and that the corporation is formed for the purpose of doing business in this state.

§ 4. Exempt Transactions. Except as hereinafter expressly provided the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's or other fiduciary's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgage selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this act, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) An isolated transaction in which any security is bought, sold, offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such purchase, sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation actively engaged in the business authorized by its charter of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in ex-

change for the securities or claims of such security holders or creditors, or the issue of increased capital stock of a corporation sold or distributed by it directly or through an agent entirely among its own stockholders, or their assigns, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery to any bank, savings institution, trust company, insurance company or to any corporation when the transaction is in good faith and for its own account in the ordinary conduct of its business or to any dealer; provided, that such dealer is actually engaged in buying and selling securities as a business; and provided that such dealer must qualify such securities before selling or offering them for sale to the public.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgages upon real estate so long as the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) Any security other than common stock outstanding and in the hands of the public for a period of not less than 18 months upon which no default in payment of principal, interest or dividends exists, and upon which no such default has occurred for a continuous immediately preceding period of five years.

(i) The sale or distribution of any security described in subsection (d) of section three hereof by any corporation owning or operating railroad or any other public service utility or by any of its subsidiary corporations through employees of any such corporation or through the employees of any of its subsidiary corporations.

§ 5. Registration of Securities. No securities except of a class exempt under the provisions of section 3 hereof or un-

less sold in a transaction exempt under the provisions of section 4 or heretofore registered hereof shall be sold within this state unless such securities shall have been registered by notification or by qualification as hereinafter defined. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the Commissioner, in which register of securities shall also be recorded any orders entered by the Commissioner with respect to such securities. Such register, and all information with respect to the securities registered therein shall be open to public inspection.

§ 6. Registration by Notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years or which is a consolidation or merger of a property, business or industry which has been in continuous operation not less than three years, and which has shown during a period of not less than two years or more than ten years next prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal or senior rank.

(c) In the case of common stock not less than six per centum upon all outstanding common stock of equal or senior rank, together with the amount of common stock then offered

for sale reckoned upon the price at which such stock is then offered for sale or sold.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes.

(3) Any bond or notes secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or leases), or upon city, town or village real estate or leaseholds situated in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada as follows:

(a) When the mortgage is a first mortgage upon such agricultural lands, used and valuable principally for agricultural purposes, and when the aggregate face value of such bonds or notes not including interest notes or coupons, secured thereby does not exceed 70 per centum of the then fair market value of said lands without improvements, plus 70 per centum of the insured value of any improvements thereon; or

(b) When the mortgage is a first mortgage upon city, town or village real estate or leaseholds, and when the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such real estate or leaseholds does not exceed 60 per centum of the then fair market value of said mortgaged real estate or leaseholds, respectively, including any improvement appurtenant thereto, and when said mortgaged property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; or

(c) When the mortagage is a first mortgage upon a city, town or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage, and when reasonably adequate provision has been made for financing the full completion of said building free and clear of any lien superior to said mortgage, and when the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 70 per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid, and when said mortgaged property will have a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per centum of the principal of said mortgage indebtedness; provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type upon the face thereof a legend stating that said bonds or notes are construction bonds or notes and all written or printed offerings of said bonds or notes shall contain a statement to the same effect.

The provisions of this subsection (3) shall not apply in the case of bonds or notes secured wholly or partly by first mortgage on leaseholds, the value of which leaseholds is required to meet the ratio of property value to face value of obligations above in clauses (b) and (c) provided, unless all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than 18 point upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

When used in this subsection (3) the term "mortgage" shall be deemed to include a deed of trust to secure a debt.

§ 6a. Registration by Notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the Commissioner of a statement with respect to such securities containing the following:

(a) Name of issuer.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the state.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale.

In the case of securities falling within the class defined by subsections (1) or (2), if the circular to be used for the public offering is not filed with the statement, then a copy of such circular shall be filed in the office of the Commissioner within five days thereafter or within such further time as the Commissioner shall allow.

In the case of securities falling within the class defined by subsection (3), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the Commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this state by any registered dealer giving notice in the manner hereinafter provided in section 10, subject, however, to the further order of the Commissioner as hereinafter provided.

If, at any time in the opinion of the Commissioner, the information contained in the statement or circular filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud or imposition, the Commissioner may require from the

person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the Commissioner to ascertain whether the sale of such security would be fraudulent or deceitful or would result in fraud, or imposition and the Commissioner may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying personally by mail, telephone or telegraph the person filing such statement and every registered dealer who shall have notified the Commissioner of any intention to sell such security. The refusal to furnish information required by the Commissioner within a reasonable time to be fixed by the Commissioner may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until the further order of the Commissioner.

In the event of the entry of such order of suspension the Commissioner shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty (20) days from the entry of such order or if upon such hearing the Commissioner shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof would be fraudulent or deceitful, or would result in fraud or imposition he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of section 7. Appeals from such final order may be taken as hereinafter provided. If, however, upon such hearing, the Commissioner shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent or deceitful nor result in fraud or imposition, he shall forthwith enter an order revoking such order of

suspension and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the Commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this state for which the applicant is seeking registration, but in no case shall such fee be less than $10.00 nor more than one hundred dollars. In the case of stock having no par value, the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

§ 7. Registration by Qualification. All securities required by this act to be registered before being sold in this state, and not entitled to registration by notification shall be registered only by qualification in the manner provided by this section.

The Commissioner shall receive and act upon applications to have securities registred by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed and sworn to by the applicant, and filed in the office of the Commissioner and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within this state.

The Commissioner shall require the applicant to submit to the Commissioner the following information respecting the issuer and such other information as he may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section.

(a) The names and addresses of the directors, trustes and officers, if the issuer be a corporation or association or trust organized or existing under the common law (as hereinbefore defined), of all partners, if the issuer be a partnership and of the issuer, if the issuer be an individual.

(b) The location of the issuer's principal business office and of its principal office in this state, if any.

(c) The purpose of incorporation (if incorporated) and the general character of the business actually to be transacted by the issuer, and the purpose of the proposed issue.

(d) A statement of the capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than sixty (60) days prior to the date of filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registraton of which application is made; and a copy of all circulars, prospectuses, advertisements or other descriptions of such securities then prepared by or for such issuer or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this state.

(e) A statement of the amount of the issuer's income, expenses, and fixed charges during the last past five years, or if in actual business less than five years then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment, and the Commissioner may fix the amount of stock, bonds, or other securities that may be issued by any corporation, foreign or domestic, in payments for property, patents, goodwill, promotion, and intangible assets at a value he should find same to be worth.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already on file in the office of the secretary of state of this state. If the issuer is a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the secretary of state of this state.

All of the statements, exhibits and documents of every kind required by the Commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the Commissioner.

With respect to securities required by qualification under the provisions of this section, the Commissioner may by order duly recorded fix at not exceeding (20) fifteen per cent the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the Commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this state, for which the applicant is seeking registration, but in no case shall such fee be less than twenty-five or more than two hundred dollars. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon examination of any applicant the Commissioner shall find that the sale of security referred to therein would

not be fraudulent or deceitful or would not work or tend to work a fraud or imposition upon the purchaser, or that the enterprise or business of the issuer is not based upon unsound business principles, then upon the payment of the fee provided in this section, he shall record the registration of such security in the Register of Securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the Commissioner of his intention so to do, in the manner hereinafter provided in Section 10 subject, however, to the further order of the Commissioner as hereinafter provided.

§ 7a. In every note or bond secured by a mortgage or deed of trust that is issued or sold or offered for sale under sections 3, 4, 6, 6a and 7 of this act there shall be printed in bold black face type not less than 18 point, in a conspicuous place on the face thereof the words "This note or bond is secured by a first or second or third mortgage or deed of trust" as the case may be and it shall be unlawful to issue, sell or offer to sell any bond or note secured by mortgage or deed of trust without this legend appearing on the face thereof.

§ 8. Consent to Service Upon any application for registration by notification under section 6 made by an issuer, and upon any application for registration by qualification under section 7, whether made by an issuer or registered dealer, where the issuer is not domiciled in this state, there shall be filed with such application the irrevocable written consent of the issuer that suits and actions, growing out of the violation of any provision or provisions of this act, may be commenced against it in the proper court of any county in this state in which the plaintiff may reside, or in which the contract was made, by the service of any process or pleading authorized by the laws of this state, on the Commissioner of Securities, said consent stipulating and agreeing that such service of such process or pleadings on such Commissioner shall be taken and held in all courts to be as valid and binding as if due service had been made upon the issuer himself, and

said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the co-partnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the Commissioner, it shall be by duplicate copies, one of which shall be filed in the office of the Commissioner and another immediately forwarded by registered mail to the principal office of the issuer to an address which once filed shall be conclusively considered the permanent address of the issuer until the Commissioner has been notified officially of a new one, against which said process or pleadings are directed.

§ 9. Revocation of Registration of Securities. The Commissioner may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer:

(1) Is insolvent; or

(2) Has violated any of the provsiions of this act or any order of the Commissioner of which such issuer has notice; or

(3) Has been or is engaged or is about to engage in fraudulent or deceitful transactions; or transactions that would work an imposition on another party; or

(4) Is in any other way dishonest or has made any false or fraudulent or deceitful representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or

(5) Is of bad business repute; or

(6) Does not conduct its business in accordance with law; or

(7) That its affairs are in an unsound condition; or

(8) That the enterprise or business of the issuer is not based upon sound business principles.

In making such examination the Commissioner shall have access to and may compel the production of all the books and papers of such issuer, and he or his deputy may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may also require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of this state or of any other state where the issuer's business is located, approved by the Commissioner.

Whenever the Commissioner may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the Commissioner shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the Commissioner, it shall be proper ground for cancellation of registration.

If the Commissioner shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation; provided, that the order shall state the Commissioner's grounds for taking such action.

Notice of the entry of such order shall be given personally or by telephone, telegraph, or mail to the issuer and every registered dealer who shall have notified the Commissioner of an intention to sell such security.

§ 10 Registration of Dealers and Salesmen. No dealer or salesman shall engage in business in this state as such dealer or salesman or sell any securities including securities exempted in section 3 of this act, except in transactions exempt under section 4 of this act, unless he has been registered

as a dealer or salesman in the office of the Commissioner pursuant to the provisions of this section.

Every dealer before engaging in business in this state shall file in the office of the Commissioner an application for registration in writing in such form as the Commissioner may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in this state, if any, the name or style of doing business, the names, residence and business addresses of all persons interested in the business as principals, co-partners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and length of time the dealer has been engaged in business. The Commissioner may also require such additional information as to applicant's previous history, record and association, as he may deem necessary to establish the good repute in business of the applicant.

Every dealer shall file with his application an irrevocable written consent to the service of process upon the Commissioner of Securities in actions against such dealer in manner and form as hereinabove provided in section 8.

Every dealer shall also file with his application a bond in the sum of five thousand dollars ($5,000) running to the Commonwealth of Kentucky in such form as the Commissioner may designate, such bond to be conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salesmen registered by him. Such bond shall be executed as surety by a surety company having a net worth of not less than $1,000,000 and authorized to do business in this state. Provided however, that upon the bond required of any bank, trust company, real estate mortgage company or title company organized and doing business under the laws of this state or any national bank situated therein, its capital stock shall be taken and considered as the only security required for the faithful performance of its duties. If the Commissioner shall find that the applicant is of good repute

and has complied with the provisions of this section, including the payment of the fee hereinafter provided, he shall register such applicant as a dealer. Provided that banks, trust companies and mortgage or other companies that may become dealers under this act may, when required to execute as dealers the bond required therein, may execute said bond without surety, when by action of the board of directors the capital stock is authorized to be pledged as surety and the capital stock of banks, trust and mortgage companies is hereby authorized to be so pledged; and when so pledged no other surety shall be required.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the Commissioner shall register as salesmen of such dealer such natural persons as the dealer may request. No dealer or salesman shall sell or offer to sell any security the sale of which has not been authorized by the Commissioner and the Commissioner shall deliver to each dealer and salesman a license prepared and printed in such form as he shall prescribe.

The names and addresses of all persons approved for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a Register of Dealers and Salesmen, kept in the office of the Commissioner, which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically required by the Commissioner. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of the ensuing year, otherwise they shall be treated as original applications. The fee for such registration shall be $50.00 and for each annual renewal shall be

$25.00 in the case of dealers and $5.00 in the case of salesmen, for registration and $5.00 each annual renewal.

Changes in registration occasioned by changes in the personnel of a partnership or in the principals, co-partners, officers, directors, of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the Commissioner in writing of his intention so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid and properly adressed to the Commissioner, such dealer, as to the contents of such notice and the filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of a security required to be registered under the provisions of this act, selling such securities except in exempt transactions as defined in section 4 hereof, shall be deemed a dealer within the meaning of this section 10 and required to comply with all the provisions hereof.

§ 11. Revocation of Dealers' and Salesmen's Licenses. Registration under section 10 may be refused or any registration granted may be cancelled by the Commissioner if after a reasonable notice and a hearing the Commissioner determines that such applicant or registrant so registered:

(1) Has violated any provision of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent or deceitful act in connection with any sale of securities, or has been or is engaged or is about to engaged in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of se-

curities which is fraudulent or deceitful or would work an imposition on the purchaser, or be in violation of the law; or

(4) Is of bad business repute or has demonstrated his unworthiness to transact the business of dealer or salesman.

Pending the hearing the Commissioner shall have the power to order the suspension of such dealer's or salesman's license; provided, such order shall state the cause for such suspension.

In the event the Commissioner determines to refuse or cancel a registration as hereinabove provided he shall enter a final order herein with his findings on the Register of Dealers and Salesmen, and shall notify the applicant or licensee of his final order by registered mail.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation of any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or cancelling the registration of an individual dealer or salesman.

§ 12. Burden of Proof. It will not be necessary to negative any of the exemptions or classifications in this act provided in any complaint, action, information, indictment or any other writ or proceeding laid or brought under this act and the burden of proof of any such exemption shall be upon the party claiming the benefit of such exemption or classification.

§ 13. Laws that this Act shall Not Affect. Nothing in this act shall be construed to relieve corporations from making reports now or hereafter required by law to be made to the Secretary or State or any other state officer or paying the fees now or hereafter to be paid by corporations. This act shall not be construed to repeal any law now in force regulating the organization of corporations in this state or the admission of any foreign corporation; but the provisions of this act shall be construed to be additional to any provisions regu-

lating the organization of a corporation under the laws of this state or the admission of a foreign corporation to do business in this state.

§ 14. Certificate of Commissioner—Admissibility in Evidence. In any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act a certificate duly signed by the Commissioner or his deputy showing compliance or non-compliance with the provisions of this act respecting the security in question or respecting compliance or non-compliance with the provisions of this act by any issuer, dealer or agent or salesman shall constitute prima facie evidence of such compliance or such non-compliance with the provisions of this act, as the case may be, and shall also be admissible in evidence in any action at law or in equity to enforce the provisions of this act.

§ 15. Certified Copies of Statements and Documents—Admissibility. Copies of any statements and documents filed in the office of the Commissioner and of any records of the Commissioner certified to by the Commissioner or his deputy shall be admissible in any prosecution, action, suit or proceeding based upon or arising out of or under the provisions of this act to the same effect as the original of such statement, document or record would be if actually produced.

§ 16. Escrow Agreement. If the statement containing information as to securities, as provided for in section 7 of this act, shall disclose that any such securities shall have been or shall be intended to be issued for any patent right, copyright, trade-mark, process, lease, formulae or good will, or for promotion fees or expenses or for other intangible assets, the amount and nature thereof shall be fully set forth and the Commissioner may require that such securities so issued in payment of such patent right, copyright, trade-mark, process, lease, formulae or good will, or for promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the Commissioner under an escrow agreement that the owners of such securities shall not be entitled to withdraw

such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid for two years a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said Commissioner to have been actually earned on the investment in any common stock so held, and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

§ 17. Fraudulent or Deceitful Sales—Impositions. Whenever it shall appear to the Commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement, or distribution of any securities within this state, including any security exempted under the provisions of section 3, or in any transaction exempted under the provisions of section 4, any person, as defined in this act, or person acting for him, shall have employed, or employs, or is about to employ any device, scheme or artifice to defraud, deceive or work an imposition or for obtaining money or property by means of any false pretense, representation, or promise, or that any such person shall have made, makes or attempts to make in this state fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities which is fraudulent or deceitful or would work an imposition or be in violation of law and which has operated or which would operate as a fraud or imposition upon the purchaser, any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business which are hereby declared to be and are hereinafter referred to as fraudulent or deceitful practices, or practices that would work an imposition, the Commissioner shal investigate, and whenever he shall believe from evidence satisfactory to him that any such person has engaged in, is engaged or about to engage in any of the practices or tran-

sactions heretofore referred to as and declared to be fraudulent or deceitful or that would work an imposition, he shall in addition to any other remedies bring an action through the Attorney General in the Franklin circuit court or through the Commonwealth or county attorney in any county where the transactions or practices have been or are about to be engaged in, in the name and on behalf of the Commonwealth of Kentucky against such person and any other person or persons concerned in or in any way participating in or about to participate in such transactions or practices to enjoin such person, and such other person or persons from continuing such transactions or practices or engaging therein or doing any act or acts in furtherance thereof. In said action a judgment may be entered awarding such injunction as may be proper.

§ 18. Remedies. Every sale or contract for the sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser and the person making such sale or contract for sale and every director, officer or agent of or for such seller who shall have participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in an action at law in any court of competent jurisdiction in the county where the contract was made or in which the plaintiff resides, upon tender to the seller of the securities sold or of the contract made for the full amount paid by such purchaser.

Provided, that no action shall be brought for the recovery of the purchase price, after two years from the date of such sale or contract for sale; and provided further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within a reasonable time to accept the voluntary offer of the seller to take back the security in question and to refund the full amount paid by such purchaser together with interest or such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:

(a) In case such securities consist of interst bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

§ 19. Appeals. An appeal may be taken by any person interested and affected thereby from any final order of the Commissioner to the Franklin circuit court by serving upon the Commissioner within twenty days after the date of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order. He shall also as hereinafter directed execute a bond in the penal sum of five hundred dollars to the Commonwealth of Kentucky with sufficient surety, to be approved by the clerk of the court conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all costs that shall be adjudged against the applicant. Thereupon the commissioner shall within ten days make, certify and deliver to the appellant upon the payment of the fee therefor such a transcript; and the appellant shall within five days thereafter execute the appeal bond and file the record and a copy of the notice of appeal with the clerk of the said court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said court for trial. The court shall only hear and consider such documentary and other evidence as was heard and considered by the commission and that is contained in the transcript upon which the appeal is taken. If the order of the Commissioner shall be reversed said court shall by its judgment specifically direct said Commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and

the conditions, limitations or restrictions to be therein contained, provided that the Commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after thirty days from filing a new application provided such application is not otherwise barred or limited. Such appeal from the finding of the Commissioner shall not in anywise suspend the operation of the order appealed from during the pendency of such appeal unless so ordered by the court. An appeal may be taken from the judgment of the said circuit court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions. Each and every final ruling of said Commissioner in the granting or refusing to grant a license or permit to transact business in this state, as well as the suspension or revoking of any such license or permit theretofore granted or issued, or the refusal of said Commissioner to make investigation or to revoke any such license or permit on complaint as herein provided, shall be subject to review in a suit or other proper proceeding in the Franklin circuit court by any person, firm or corporation, feeling aggrieved, and an appeal shall be granted by said circuit court to the Court of Appeals from any judgment it may render on motion of the losing party and in the same manner other appeals are prosecuted in similar cases.

§ 20. Powers of Commissioner—Rules and Regulations. The Commissioner shall prescribe the forms of application and the forms of all other blanks, documents and records to be used and kept in connection with the administration hereof and in addition shall establish and promulgate such rules and regulations concerning the procedure and practice of applicants appearing before him as in his discretion may seem expedient and essential to the satisfactory enforcement and administration of this law.

§ 21. Power to Examine and Administer Oaths—Expenses. The Commissioner may within his discretion when and as soon as may be after an application has been filed with the department, make a careful inspection and examination of and concerning the application, the personnel of the applicant-issuing person, its books, records, files, accounts, affairs and properties owned in fee or controlled or covered by leases, options, or other forms of contract, wherever same or any part of same may be found, situated or located, and of such other matters as the Commissioner may deem necessary. The expenses of making such inspection and examination shall be borne by the applicant who when requested by the Commissioner shall make a cash deposit with the Commissioner sufficient to pay the expert inspector or accountant $25.00 per day and his actual expenses and this right of examination and inspection shall be inherent and continuing in the Commissioner and may be exercised from time to time by him as deemed necessary within his discretion.

§ 22. Examination Upon Complaint—When and How Made—Expense. Should it at any time upon information, complaint, or otherwise, appear to the Commissioner that any of the terms, provisions or purposes of any order, permit, certificate or license theretofore applied for and granted to any person by him, has been or is being violated, and without regard to the time expired since the original granting of said order, permit, certificate or license, he shall within his discretion have the inherent and continuing right, privilege and authority to require, make or conduct, at the expense of the person examined, inspected or investigated, at any and all times and at any and all places, any and all such examinations, inspections or investigations in and of the business, affairs, accounts, books, records, properties and personnel of any such person or persons he in his discretion may deem necessary, essential or expedient for the purpose of determining such fact or facts. For the purpose of defraying the necessary expenses in making and conducting such examina-

tion, inspection or investigation and where a specific sworn written complaint coupled with a written request asking the Commissioner to make such examination, inspection, or investigation has been filed in the office of the Commissioner, and should the Commissioner in his discretion deem said complaint and request to be meritorious and sufficient, he may as a condition precedent to making such examination, inspection or investigation demand and receive from the requesting complainant, a cash deposit in an amount sufficient to cover the necessary exepnse of making such examination, inspection or investigation.

§ 23. Misleading Advertisements—Liabilities. In addition to the liabilities now imposed by law, any person or company that, by written or printed circular, prospectus, statement or advertisemnt of any kind, shall offer for subscription or purchase any security; or receive the profits accruing from the disposal of securities so advertised, shall be liable to any person who, on the faith of such advertisement or document, acquires such security, for the loss or damage sustained by him by reason of any false or misleading statement contained therein, unless such person or company shall establish that he or it had no knowledge or notice of the publication of such advertisement prior to the transaction complained of, or had just and reasonable grounds to believe the statement thereof to be true. Wherever any corporation shall be so liable, the officers and directors thereof shall also be, under like limitations, jointly and severally liable. Any such officer or director, upon the payment of a judgment so obtained against him, shall be subrogated to the rights of the plaintiff against such corporation and shall have the right of contribution for the payment of such judgment under like limitations, against any of his fellow officers or directors. Lack of reasonable diligence to ascertain the fact of such publication or the falsity or misleading nature of any statement therein contained, shall be deemed to be knowledge of such publication and of the falsity or misleading nature of any un-

true statement thereof. Any action brought against such officer or director, based upon the liability hereby imposed, shall be brought within two years after the acquisition of the security by any person so damaged or after payment of the judgment for which contribution is sought.

§ 25. Advertisement of Securities. It shall be unlawful hereafter, except as to exempt securities, as provided in section 3, and securities that may be sold and offered for sale on notification as provided in section six:

(1) To advertise in this state, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise, or

(2) To circulate or publish any newspaper, periodical or either written or printed matter in which any advertisement in this section specified shall appear, or

(3) To circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security or securities, not exempted under any of the provisions of this act, and not sold or to be sold in one of the transactions exempted under the provisions of this act, unless and until the requirements of this act have been fully complied with and such advertising matter has been filed with and approved by the Commissioner.

§ 26. Certain Information and Records Open to Inspection by Public. All information received by the Commissioner shall be kept open to public inspection at all reasonable hours, and the Commissioner shall supply to any applicant upon payment of fee therefor copies of any papers of record with the Commissioner, but the Commissioner shall have power and authority to place in a separate file, not open to the public except on his special order, any information which he deems in justice to the person filing the same should not be made public. An exemplification of the record under the hand of the Commissioner, or of his deputy, shall be sufficient evidence of any record made or entered by or on file with the Commissioner. A certificate under the hand of the Commis-

sioner or his deputy, showing that the securities in question have not been recorded in the register of qualified securities, shall constitute prima facie evidence that such securities have not been qualified for sale pursuant to the provisions of this act, and shall be admissible in evidence in any proceedings, either civil or criminal, instituted under any of the laws or statutes of this state.

§ 27. Warnings to Public. The Commissioner may when he deems it of public interest so to do, issue and give warnings in such manner as he thinks necessary to the public concerning securities being sold in this state.

§ 28. Fees Paid Into State Treasury—Expenses of Administration. All fees herein provided for shall be collected by the Commissioner and shall be paid over to the state treasurer to go into the general fund, except such fees as are paid directly to the expert inspector, auditor or accountant by the person examined which may be done when the Commissioner first approves the expert inspector, auditor or accountant and permits the person examined to pay the fees directly to him. All expenses of the administration of this act, including salaries, clerk hire, postage, printing, stationery and the like, shall be paid out of available funds in the treasury on the auditor's warrant for the payment of bills itemized and certified to as correct by the Commissioner.

§ 29. Commission for Sale of Securities. It shall be unlawful for any person, firm, corporation, or association to pay or agree to pay, directly or indirectly, in consideration for the sale of any of the securities included in this act a commission or fee greater than fifteen (15) per cent.

§ 30. Construction of Act. No trick, device, subterfuge or pretense shall be allowed to evade the operation or defeat the purpose of this law, and its provisions shall be liberally construed in order that the purpose and intention of the act to protect the public from fraud, deceit, and imposition in the sale of the securities referred to in this act, may be carried out.

§ 31. Penalty for Refusal to Obey Orders of Commissioner. Any person who shall refuse to make answer to any competent and material question propounded to him by the Commissioner, or his deputy, shall upon conviction in any court of competent jurisdiction, be punished by a fine not to exceed five hundred ($500) dollars, or by confinement in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 32. Penalty for False Statements. Any person who, under oath, makes a false answer to any competent and material question in any hearing before the Commissioner, special inspection, examination or investigation, shall be guilty of false swearing and upon conviction shall be punished as prescribed in section 1174 of the Kentucky Statutes.

§ 33. Penalty for Filing False Statement with Commissioner. Any person who shall make or file, or cause to be made or filed with the Commissioner under or in compliance with any of the provisions of this act, any statement, document, or other paper sworn to by him and which is false in any material respect or matter, shall be deemed guilty of false swearing and upon conviction thereof shall be punished as provided for in section 1174 of the Kentucky Statutes.

§ 34. Penalty for Sale of Securities of Insolvent Issuer. Any issuer or agent, salesman, dealer or broker of or for any issuer, knowing such issuer to be insolvent, who shall offer to sell securities issued by such issuer, or who shall make any sale of any such securities of and for such issuer, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction, shall be punished by confinement in the penitentiary for not less than one nor more than ten years. For the purpose of this section an issuer shall be deemed insolvent whenever the agregate of his or its property shall not, at a fair valuation, be sufficient in amount to pay his or its debts.

§ 35. Penalty for Violations of this Act. Any person who wilfully does, or aids or advises in doing any act that is

not included in and punished by sections 31, 32, 33, and 34 of this act, and that is prohibited or made unlawful by any of the provisions of this act, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than seven years.

§ 36. Constitutionality. Should the court declare any section or clause of this act unconstitutional then such decision shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

This act shall take effect when it is approved by the Governor and under and according to section 55 of the Constitution and when it does take effect the act that was enacted by the legislature at its 1920 session, and that is Chapter 125, page 582 of the Session Acts of 1920 (now section 883e-1 of Carroll's Kentucky Statutes, 1922 Edition), and known as the "Kentucky Blue Sky Law" shall be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Geo. A. Brown	Lonnie Cooper
Wm. J. Arvin	F. W. Bryant	J. D. Cox
W. O. Bach	J. R. Buckman	W. J. Curtis
T. H. Benton	W. G. Buckner	J. L. Cushing
Shaler Berry	S. J. Bunger	J. R. Dorman
W. P. Bowman	C. B. Carver	E. J. Doss
D. F. Brown	Lee Clark	D. E. Edwards

J. O. Evans	Mrs. H. G. Jorris	F. T. Nichols
D. W. Fowler	W. O. Keller	Caleb Page
Otto C. Gartin	J. R. Kelly	Smith Park
R. E. Glenn	Thos. H. King	Jas. J. Peters
F. A. Gnau	W. W. Leslie	Geo. W. Potter
Lawrence Harmon	Leon P. Lewis	W. H. Pryor
J. F. Harrison	J. L. Manning	Philip J. Ryan
J. M. Hayse	Shelby Martin	C. W. Ryans
Goebel B. Henson	H. J. Meyers	M. G. Slusher
H. M. Holbrook	H. H. Miller	W. R. Smith
H. B. Holland	J. S. Milliken	E. J. Snyder
S. K. Holland	T. R. Moore	Frank L. Strange
E. M. Johnson	L. P. Murphy	C. D. Vincent
Grover C. Johnson	Chas. N. McCarty	W. S. Wallen
W. W. Johnson	J. L. McDavid	T. B. Watts
D. C. Jones	W. J. McGill	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 119. An Act creating a State Park Commission to be known as the Kentucky State Park Commission, naming the members composing said commission a corporation; and repealing an Act entitled an Act creating a Kentucky State Park Commission, enacted by the General Assembly of the Commonwealth of Kentucky at its 1924 session, and approved by the Governor of Kentucky on March 28, 1924, being chapter 9 of the Acts of the General Assembly of 1924.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a corporation which shall be known and designated as the Kentucky State Park Commission, under which name it may sue and be sued, contract and be contracted with, and receive, take, preserve, improve, hold and manage property under its corporate name, that of the Kentucky State Park Commission.

§ 2. Said commission shall be composed of four members, viz.:

(1) The Governor of the Commonwealth of Kentucky, who shall be ex-officio chairman of the commission by this act created.

(2) The Dean of the Agricultural College of the University of Kentucky.

(3) The Director and State Geologist of the Kentucky Geological Survey.

(4) A man who shall be appointed by the Governor of the Commonwealth of Kentucky and who shall be over thirty years of age and be a citizen of Kentucky at the time of his appointment and during all the time that he shall be a member of the commission hereby created. Said member so appointed by the Governor of the State of Kentucky shall hold his office as a member of the commission hereby created, subject to the will of the Governor of the Commonwealth of Kentucky, and the Governor of the Commonwealth of Kentucky may remove him at any time at the Governor's will.

§ 3. It shall be the duty of said commission, and it shall have the power, to accept and hold for the use and benefit of the state of Kentucky, and not otherwise, any real estate or personal property, that has been, or may hereafter, be given, sold or dedicated, by any person or persons, corporations or firms to the State of Kentucky, or that shall have been pur-

chased, or may be purchased, by said commission, or its predecessor, or the title to which has in any manner been acquired, or may be acquired, or held by said commission or its predecessor, or by the state of Kentucky for a public park. Provided, the said commission is not compelled under the provisions of this act to accept any such property, if it is deemed by it unwise to do so.

All property that has heretofore been acquired or that may hereafter be acquired for public park purposes for the Commonwealth of Kentucky shall be held in trust by the commission hereby created for the use and purposes of the Commonwealth of Kentucky, but the provisions of this act shall not apply to any property held or owned by any incorporated city of the Commonwealth of Kentucky for the purpose of public parks. The title to all properties heretofore given, dedicated or conveyed to the Commonwealth of Kentucky, for public park purposes, or to the Kentucky State Park Commission, is hereby transferred, conveyed and vested in the commission created by this act, to be held, controlled, managed and maintained by the commission created by this act, for the use and benefit of the Commonwealth of Kentucky, and for public park purposes. All such property shall be managed, maintained, controlled, preserved and improved by said park commission for park purposes and for the use and benefit of the Commonwealth of Kentucky and the citizens thereof. The commission created by this act is hereby authorized and empowered, and it shall be its duty, to make such rules and regulations as it may deem necessary, or wise, or beneficial for the proper management, control, preservation, improvement and the use of such property as a public park.

§ 4. All persons, using, or occupying or going upon any property, or grounds, held by or controlled by the commission herein created, shall obey and conform to all the rules and regulations made by the commission hereby created, and a refusal or failure to do so by any person or persons, is hereby declared to be a misdemeanor, and upon conviction thereof

shall be punished as such in any court having jurisdiction thereof in the county in which such crime may be committed. All rules and regulations adopted by the commission herein created for the purpose of protecting, preserving and maintaining the property under the control of said commission and devoted to public park purposes, shall be printed and posted at the main entrance to said parks and at three or more public places within said park.

§ 5. The main office of the Kentucky State Park Commission hereby created shall be in Frankfort, Kentucky, at the office of the Director and State Geologist of the Kentucky Geological Survey, and at this place the meetings of this commission shall be held. Said commission shall meet at such times as it may desire, but a special meeting may be called at any time, by the chairman, or any two members of said commission after reasonable written notice has been given to all the members of said commission.

Each member of said commission shall be entitled to receive, and he shall be paid, all of his necessary traveling expenses incurred in discharging the duties herein imposed upon him, including his hotel bills, which expenses shall be itemized and certified to the Auditor of the Commonwealth of Kentucky, by the chairman of this commission, and said expenses shall be paid by a warrant drawn by the Auditor of the Commonwealth of Kentucky upon the Treasurer of the Commonwealth of Kentucky in the same way and manner as the salaries of state officials are paid.

§ 6. Said commission, or the chairman thereof, shall have the right to employ and discharge such custodians, laborers and employees, and to purchase such material and equipment as may be necessary in their opinion, to accomplish and carry into effect the purposes of this act, out of any funds appropriated therefor by the General Assembly of the Commonwealth of Kentucky, or out of any income from said parks, in order to hold, maintain, preserve, and improve the property, real and personal, for public park purposes. The

commission shall keep full and complete minutes of all the acts, resolutions, decisions, regulations, purchases and acquisitions of said commission, its receipts and disbursements, which book and papers shall be full and complete in every respect, so as to show the receipts and disbursements of said commission. Said records, books, minutes, vouchers, accounts and papers shall be preserved, and they shall be a public record and open to the examination and inspection of any citizen of the Commonwealth of Kentucky at all reasonable hours.

§ 7. For the purpose of preserving, protecting, maintaining and improving the public parks of this state, the said commission is hereby directed and authorized to fix and determine the fees and charges which persons using said park or parks shall pay, which fees and charges shall be reasonable, and which fees and charges shall be collected by said commission, and so much as may be necessary, in the opinion of said commission, shall be used in maintaining, protecting, preserving and improving said parks. Said commission shall make an annual report of their activities during each year, including a statement of receipts and disbursements as of December thirty-first of each year.

§ 8. That an act entitled An Act creating a Kentucky State Park Commission, enacted by the General Assembly of the Commonwealth of Kentucky at its session of 1924, and approved by the Governor of the Commonwealth of Kentucky on March 28th, 1924, be and the same is hereby repealed, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Mr. Milliken offered the following amendments thereto, viz.:

Amend S. B. 119 by inserting therein one line 14 of section 3, after the word "created" the following words "or its successors."

Amend S. B. 119 by striking therefrom on lines 2 and 3 of section 5 the following words "Director and State Geologist of the Kentucky Geological Survey" and inserting in lieu therefor the following "Governor of Kentucky."

Amend S. B. 119 in the House by adding a new section to be known as "Section 9" which shall read as follows "An emergency is hereby declared to exist and this act shall take effect from and after its passage and approved by the Governor."

Said amendments were each and severally agreed to.

Mr. Glenn offered the following amendment to said bill, viz.:

Amend S. B. 119 in section 2, line 3, by striking out the word "ex-officio."

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	J. R. Buckman	C. L. Daly
W. O. Bach	W. A. Buckner	Mormon B. Daniel
T. H. Benton	S. J. Bunger	J. R. Dorman
Shaler Berry	Lee Clark	E. J. Doss
W. P. Bowman	J. D. Cox	D. E. Edwards
D. F. Brown	W. J. Curtis	J. O. Evans
F. W. Bryant	J. L. Cushing	D. W. Fowler

R. E. Glenn	Mrs. H. G. Jorris	F. T. Nichols
F. A. Gnau	W. W. Leslie	Smith Park
Lawrence Harmon	Leon P. Lewis	Geo. W. Potter
C. W. Hawkins	J. L. Manning	W. H. Pryor
J. M. Hayse	Shelby Martin	Philip J. Ryan
H. M. Holbrook	J. R. Kelly	C. W. Ryans
H. B. Holland	H. H. Miller	M. G. Slusher
S. K. Holland	J. S. Milliken	W. R. Smith
Ira L. Horne	T. R. Moore	E. J. Snyder
E. M. Johnson	L. P. Murphy	C. D. Vincent
Grover C. Johnson	Chas. N. McCarty	W. S. Wallen
W. W. Johnson	J. L. McDavid	T. B. Watts
D. C. Jones	W. J. McGill	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in the House of the following title, viz.:

H. B. 588. An Act relating to revenue and taxation, and amending section 6 of Chapter 116 of the Acts of the General Assembly of 1924; providing an annual tax upon property subject to taxation in this State, fixing the rate thereof, distributing said tax to various departments and state institutions; providing for the assessment and collection of taxes on omitted intangible personal property, fixing the penalties and interests due thereon; defining "real estate" or "land" "personal property" and "agricultural lands;" and repealing existing statutes.

With the following Senate amendment thereto, viz.:

Amend H. B. 588 in the Senate by striking out all of section 1, and changing the numbers of the following sections to correspond by numerals.

Amend the title to H. B. 588 in the Senate by striking out its present title and substituting in lieu thereof the following:

An Act relating to revenue and taxation and amending section 1 and section 6 of chapter 116 of the Acts of the General Assembly of 1924; providing an annual tax upon property subject to taxation in this state, fixing the rates thereof, distributing said tax to various departments and state institutions, providing for the assessment and collection of taxes on omitted intangible property, fixing the penalties and interest due thereon; and repealing existing statutes."

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	Lee Clark	J. O. Evans
W. O. Bach	Lonnie Cooper	D. W. Fowler
T. H. Benton	Fred H. Coots	R. E. Glenn
W. P. Bowman	J. D. Cox	F. A. Gnau
D. F. Brown	W. J. Curtis	Lawrence Harmon
Geo. A. Brown	J. L. Cushing	J. F. Harrison
F. W. Bryant	C. L. Daly	C. W. Hawkins
J. R. Buckman	Mormon B. Daniel	J. M. Hayse
W. G. Buckner	J. R. Dorman	Goebel B. Henson
S. J. Bunger	E. J. Doss	H. B. Holland
C. B. Carver	D. E. Edwards	S. K. Holland

Ira L. Horne	H. J. Meyers	R. R. Rogers
E. M. Johnson	H. H. Miller	Philip J. Ryan
Grover C. Johnson	J. S. Milliken	C. W. Ryans
W. W. Johnson	T. R. Moore	Chas. L. Seale
D. C. Jones	L. P. Murphy	M. G. Slusher
Mrs. H. G. Jorris	Chas. N. McCarty	W. R. Smith
W. O. Keller	J. L. McDavid	E. J. Snyder
Thos. H. King	W. J. McGill	Frank L. Strange
W. W. Leslie	Caleb Page	C. D. Vincent
Leon P. Lewis	Smith Park	W. S. Wallen
J. L. Manning	Geo. W. Potter	T. B. Watts
Shelby Martin	W. H. Pryor	

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Mr. Wallen moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 194. An Act to repeal section 201c-3 Kentucky Statutes, Carroll's 1915 Edition, relating to issuing free passes by common carriers to agents or employees who are also state, county or municipal officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 201c-3 of Kentucky Statutes, Carroll's 1915 Edition, relating to issuing free passes by common carriers to agents, or employees of such common carriers who are also state, county, district or municipal officers, members

of the General Assembly, or judge, be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	Otto C. Gartin	H. H. Miller
W. O. Bach	F. A. Gnau	J. S. Milliken
J. H. Baughman	Lawrence Harmon	T. R. Moore
T. H. Benton	C. W. Hawkins	L. P. Murphy
Shaler Berry	J. M. Hayse	Chas. N. McCarty
W. P. Bowman	Goebel B. Henson	J. L. McDavid
D. F. Brown	H. M. Holbrook	W. J. McGill
Geo. A. Brown	H. B. Holland	F. T. Nichols
F. W. Bryant	S. K. Holland	Caleb Page
J. R. Buckman	Ira L. Horne	Smith Park
W. G. Buckner	E. M. Johnson	W. H. Pryor
C. B. Carver	Grover C. Johnson	Clint Raymer
Lee Clark	W. W. Johnson	C. W. Ryans
Fred H. Coots	D. C. Jones	Chas. L. Seale
J. D. Cox	Mrs. H. G. Jorris	M. G. Slusher
W. J. Curtis	W. O. Keller	W. R. Smith
J. L. Cushing	J. R. Kelly	E. J. Snyder
C. L. Daly	W. W. Leslie	Frank L. Strange
Mormon B. Daniel	J. L. Manning	C. D. Vincent
J. R. Dorman	Shelby Martin	W. S. Wallen
D. E. Edwards	A. M. Mercer	T. B. Watts
D. W. Fowler	H. J. Meyers	

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Those who voted in the negative were—

J. F. Harrison	Geo. W. Potter	Philip J. Ryan
Thos. H. King	H. A. Pulliam	
Leon P. Lewis	R. R. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wallen offered the following resolution, viz.:

Whereas, the House did on February 16, 1926, authorize a committee, appointed by the Speaker, to investigate charges to be made at a mass meeting at Lexington, Kentucky, and to summon witnesses, take testimony and report to this House, and

Whereas, Miss Lila D. Phelps took said depositions and transcribed same and has rendered stenographic services which have been approved by the committee as follows:

Report proceedings of mass meeting, prepare affidavits, report meeting of committee for purpose of examining witnesses and transcribing reports of meetings and committee, therefore

Be it resolved by the House of Representatives, that Miss Lila D. Phelps be allowed the sum of $105.80 for the above services and the Auditor of Public Accounts be instructed to issue warrant for said amount upon certification by Chief Clerk of the House of this resolution.

Said resolution was adopted.

Mr. Wallen moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 17, 1926.

The House was opened with prayer by the Reverend W. P. Fryman of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Lewis Allen	D. E. Edwards	A. M. Mercer
W. B. Ardery	J. O. Evans	H. J. Meyers
Wm. J. Arvin	D. W. Fowler	H. H. Miller
W. O. Bach	Otto C. Gartin	J. S. Milliken
A. J. Baldridge	R. E. Glenn	T. R. Moore
J. H. Baughman	F. A. Gnau	B. T. Morris
T. H. Benton	Whitsett Hall	L. P. Murphy
Shaler Berry	Lawrence Harmon	Chas. N. McCarty
C. H. Berryman	J. F. Harrison	J. L. McDavid
W. P. Bowman	C. W. Hawkins	W. J. McGill
D. F. Brown	J. M. Hayse	Caleb Page
Geo. A. Brown	Goebel B. Henson	Smith Park
F. W. Bryant	H. M. Holbrook	J. J. Patterson
J. R. Buckman	H. B. Holland	Geo. W. Potter
W. G. Buckner	S. K. Holland	W. H. Pryor
S. J. Bunger	Ira L. Horne	H. A. Pulliam
W. A. Carson	J. C. Hutcherson	Clint Raymer
C. B. Carver	E. M. Johnson	C. W. Ryans
Lee Clark	Grover C. Johnson	Chas. L. Seale
Lonnie Cooper	W. W. Johnson	M. G. Slusher
Fred H. Coots	D. C. Jones	W. R. Smith
J. D. Cox	W. O. Keller	E. J. Snyder
J. S. Cruse	J. R. Kelly	Frank L. Strange
W. J. Curtis	Thos. H. King	J. G. Swearengin
J. L. Cushing	Oscar Leibson	J. L. Valandingham
C. L. Daly	W. W. Leslie	Chiles Van Antwerp
Mormon B. Daniel	Leon P. Lewis	C. D. Vincent
E. J. Doss	J. L. Manning	W. S. Wallen
James M. Durham	Joe Martin	T. B. Watts

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The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House of the following titles, viz.:

H. B. 208. An Act to amend and re-enact Sections 3, 4, 8 of an Act entitled "An Act providing for the creation, control, disposition of a fund to be used in pensioning under certain conditions policemen, and the families of deceased policemen, in cities of the first class," approved March 12, 1912.

H. S. 499. An Act making provision for examinations of teachers and for the issue, validation, and renewal of certificates for use in the public schools of this Commonwealth, repealing sections 4535c-1, 4535c-2, and 4535c-3 of Kentucky Statutes and chapter 63 of the Acts of the General Assembly 1924.

H. B. 44. An Act to amend No. 4 of an Act approved March 18, 1914, entitled "An Act to provide a stenographer for the county judge of counties in the Commonwealth containing a population of two hundred thousand or over," being No. 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

H. B. 45. An Act to amend Section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

H. B. 54. An Act to make January 19th a Legal Holiday.

H. B. 362. An Act enabling cities of the first class either independently or in conjunction with legally constituted authorities of an adjoining state, to build, construct, operate, and maintain bridges across navigable streams, so as to connect such cities with an adjoining state; etc.

H. B. 463. An Act empowering any corporation, authorized by law to build, construct or maintain toll bridges, to acquire land and other property or material by contract, purchase by condemnation proceedings or otherwise.

H. B. 168. An Act to require, in all cities of the first and second class of this Commonwealth the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in all construction work, providing for the punishment for the violation of same, for the appointment of a chief safety inspector of scaffolding and counter-floors in construction work and a deputy inspector in cities of the first class, etc.

H. B. 393. An Act to assist disabled United States War veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary commission and providing for its office expenses and the salary of the Secretary.

H. B. 46. An Act entitled "An Act to amend Section 865 of Kentucky Statutes of 1915; compiled by the Hon. John D. Carroll being also section 865 of chapter 144 Acts 1918, being to further regulate the operation and management of building and loan associations.

H. B. 360. An Act to amend and re-enact Section 2711a-54 of the Kentucky Statutes in relation to certain members of the staff of the Adjutant General.

H. B. 65. An Act amending section 2380-b-40 of Carroll's Kentucky Statutes and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

H. B. 73. An Act to amend and re-enact section 518 Civil Code of Practice, relating to the modification of judgments after term of court rendering it.

H. B. 333. An Act to amend section 1845 Kentucky Statutes, relating to compensation of members of fiscal court.

H. B. 237. An Act to repeal and re-enact sections 2739g-1, 2739g-33, 2739g-39, 2739g-51, 2739g-65, and 2739g-65 (b) Carroll's Kentucky Statutes, and being parts of chapter 90, Acts of the session of 1920, beginning at page 415 in the Session Acts of 1920, and all relating to the subject of motor vehicles and their operation upon the public roads of the state; changing the lawful rates of speed and prohibiting the use of injurious vehicles on public highways.

H. B. 29. An Act to amend sub-section 2 of section 16, of chapter 69 of the Acts of the General Assembly of 1918, relating to the appointment of a Deputy State Veterinarian, prescribing his qualifications, defining his duties and providing for his salary to be fixed by the State Live Stock Sanitary Board.

H. Res. 17. Resolution for the benefit of the ministers of the Churches of Frankfort.

H. Res. 5. Resolution for the benefit of D. Owen Robinson, of Frankfort, Kentucky.

H. Res. 13. Joint resolution to erect a monument on the battlefield of Blue Licks.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 34. An Act repealing section 4399-10, article V. Chapter 113 of Carroll's 1922 Edition, Kentucky Statutes, title Schools Common, and re-enacting the same with certain changes and modifications, making the office of county superintendent an elective office, the county superintendent to be elected by the qualified voters of each county, etc.

With the following Senate amendments thereto, viz.:

1. Amend H. B. 34 by striking from line 22 on page 2 of the printed bill after the word "who" the words "is a High School," and by striking all of lines 23 and 24 on pages 2 thereof and by inserting in lieu thereof the following:

"has successfully completed two school years of educational work prescribed in the curriculum of an accerdited University, Normal or quasi-Normal school, Teachers' Training College or other accredited institution prescribing a like course, of this or any other State, or who is a graduate of an accredited Junior College of this or any other State, Provided, that credits for such work at different institutions may be combined to make up the aggregate amount of work herein prescribed, and Provided, further, that any person who has either served four years as county superintendent in this State, or who has taught five school years in the public schools of this State, shall be credited with one year's school work as hereinabove prescribed in meeting said qualifications of superintendent."

2. Amend H. B. 34 by striking from the printed bill all of lines 42 to 46 inclusive on page 3 thereof, and by inserting in lieu thereof, the following:

"In the event no candidate, who meets the qualifications herein provided, should run for said office in any county, then the County Board of Education of such county shall appoint some qualified person for the full term, or if a vacancy occurs in said office in any county within not less than three months next before the ensuing regular election, the county Board of Education shall then appoint some qualified person to fill said office until the next succeeding regular election, but if such vacancy occur three months or more next before a regular November election the unexpired term shall be filled at said election."

3. Amend H. B. 34 in the Senate by adding after the word "effect," in line 51, page 3, the following sentence:

"The County Superintendent of schools shall have administrative and supervisory jurisdiction over any and all graded school districts within the confines of his county."

4. Amend H. B. 34 by striking from line 29 on page 2 of the printed bill, just after the word "of" first appearing in said line and before the word "the" the words "one or more of."

5. Amend H. B. 34 by adding after the word "successor," line 8, page 1, the following:

"Provided that it shall be the duty of the county court in any county where fifteen per cent of the voters who participated in the regular election next preceding that date, so petition to call within sixty days after receiving such petition an election in the several voting precincts of such county to take the sense of the voters on the manner of selecting the county school superintendent. Where the majority of the voters of the county in such election express their preference for the county board of education to appoint the county school superintendent, the provision of this Act for election by popular vote shall become inoperative."

6. Amend H. B. 34, section 2, page 2, line 17, by striking out comma after the word "First" and the word "third" at the end of said line and inserting after the word "first" the word "and."

7. Amend H. B. 34 in Senate by adding in line 6 of section 2, page 1 after the word "county" the following:

"except cities of the first and second class."

8. Add the following section to said bill:

"The provisions of this act shall not apply to counties containing cities of the first or second class."

9. Amend H. B. 34 by adding a new paragraph as follows:

"4. It is the intention of the General Assembly that the various provisions herein are several and if any part or provisions thereof be declared unconstitutional it shall not affect any other part or provision."

Amendments Numbers 1, 2, 4, 5, 9 were concurred in.

Amendments Numbers 3, 6, 7, 8 were non-concurred in.

Mr. Glenn moved that a Committee of Conferees on the part of the House be appointed by the Speaker to act in conjunction with a Committee of Conferees which the Senate is hereby requested to appoint on the part of the Senate to take under consideration and advisement and if possible, to adjust the differences which have arisen between the two Houses on the said bill.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Jones, Doss and Keller as members constituting the Conference Committee on the part of this House.

Ordered that the Chief Clerk of the House report the action of this House to the Senate.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a resolution which originated in this House, of the following title, viz.:

H. Res. 11. Joint Resolution providing for the payment of assistants for the Superintendent of Public Printing.

With the following Senate amendment thereto, viz.:

Amend Joint resolution No. 11 in Senate by striking out figures "$500.00" and substitute therefor the figures and words "Seven Hundred and Fifty ($750.00) Dollars."

Said amendment was concurred in.

Said resolution, as amended, was then adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Buckman	D. E. Edwards
Wm. J. Arvin	W. G. Buckner	J. O. Evans
A. J. Baldridge	S. J. Bunger	D. W. Fowler
W. B. Belknap	W. A. Carson	Otto C. Gartin
T. H. Benton	Lee Clark	R. E. Glenn
C. H. Berryman	Lonnie Cooper	F. A. Gnau
W. P. Bowman	J. D. Cox	Lawrence Harmon
D. F. Brown	W. J. Curtis	Goebel B. Henson
Geo. A. Brown	C. L. Daly	H. M. Holbrook
F. W. Bryant	James M. Durham	H. B. Holland

S. K. Holland	J. L. Manning	Geo. W. Potter
Ira L. Horne	A. M. Mercer	W. H. Pryor
J. C. Hutcherson	H. H. Miller	Chas. L. Seale
Grover C. Johnson	T. R. Moore	M. G. Slusher
W. W. Johnson	L. P. Murphy	W. R. Smith
D. C. Jones	Chas. N. McCarty	E. J. Snyder
Mrs. H. G. Jorris	W. J. McGill	Frank L. Strange
J. R. Kelly	F. T. Nichols	Chiles Van Antwerp
Thos. H. King	Caleb Page	W. S. Wallen
Oscar Leibson	Smith Park	

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Those who voted in the negative were—

W. O. Bach Mormon B. Daniel

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Mr. Glenn moved that the vote by which said resolution was adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. 323. An Act to provide for the constitution and appointment of a Board to be known as the Air Board of Kentucky; to have general supervision of aviation and the establishment and maintenance of the air ports, routes and aviation fields of the State of Kentucky, and making an appropriation therefor and further to enable cities, counties and towns to establish and maintain either alone, in conjunction with the State Board or in conjunction with other cities, towns and counties air ports and aviation fields and to authorize such cities, towns and counties to lay and collect a tax for the purchase and maintenance of same.

With the following Senate amendment thereto, viz.:

Amend the title to S. B. 323 by striking out the following words: "and making an appropriation therefor."

Said amendment was concurred in.

Said bill as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	H. H. Miller
Wm. J. Arvin	C. L. Daly	J. S. Milliken
W. O. Bach	E. J. Doss	T. R. Moore
A. J. Baldridge	D. E. Edwards	B. T. Morris
C. H. Berryman	J. O. Evans	L. P. Murphy
W. P. Bowman	D. W. Fowler	F. T. Nichols
Geo. A. Brown	Otto C. Gartin	Caleb Page
F. W. Bryant	R. E. Glenn	Smith Park
J. R. Buckman	F. A. Gnau	Geo. W. Potter
W. G. Buckner	Goebel B. Henson	W. H. Pryor
S. J. Bunger	S. K. Holland	C. W. Ryans
W. A. Carson	Ira L. Horne	Chas. L. Seale
C. B. Carver	Grover C. Johnson	M. G. Slusher
Lee Clark	W. W. Johnson	W. R. Smith
Lonnie Cooper	D. C. Jones	E. J. Snyder
Fred H. Coots	Mrs. H. G. Jorris	Frank L. Strange
J. D. Cox	W. O. Keller	J. G. Swearengin
J. S. Cruse	W. W. Leslie	W. S. Wallen
W. J. Curtis	J. L. Manning	T. B. Watts

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There voted in the negative—

Mormon B. Daniel —1

Mr. Glenn moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Glenn offered the following resolution, viz.:

Whereas, T. B. Bullock, night custodian of the State Capital, has had to work extra hours during this session of the General Assembly, and

Whereas, his service has been of much value to this House in seeing that the House was properly kept, and

Whereas, said T. B. Bullock is employed at a salary which is totally inadequate, and,

Whereas, this House desires to reward said T. B. Bullock for his efficient services now, therefore

Be it Resolved, by The House of Representatives of the Commonwealth of Kentucky, The Senate concurring therein:

That there is hereby appropriated out of funds not otherwise appropriated the sum of $200.00 for the payment of such service, and be it further resolved that the Auditor of Public Accounts is hereby authorized to issue warrants for said $200.00 payable to the said T. B. Bullock.

Said resolution was adopted.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 301. An Act relating to the University of Kentucky; providing for the granting of teachers' certificates upon credentials; empowering the Board of Trustees of the University of Kentucky to confer certificates; repealing, amending and re-enacting section 143 subsection 4636b-2,

Kentucky Statutes, Chapter 14 of the Acts of the General Assembly, 1922.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the University of Kentucky shall have the power and authority to confer through the College of Education of said University the following certificates:

§ 2. A College Elementary Certificate, valid for two years of teaching in any elementary school of the state, shall be issued upon completion of at least thirty-two semester hours of work including six semester hours in education. This certificate shall be renewed for two years upon completion of at least sixteen or more additional semester hours of college work at least eight of which must be earned in residence.

§ 3. A Standard Certificate, valid for three years of teaching in any public school of the Commonwealth, shall be issued upon completion of at least sixty-four semester hours of college work including twelve semester hours in education. This certificate shall be renewed upon evidence of thirty-two semester hours of college work including six semester hours in education. It may be extended for life when the applicant has met the requirements for a baccalaureate degree in the College of Education and presents in addition thereto three years of successful teaching experience after graduation from the University of Kentucky.

§ 4. A College Certificate, valid for three years of teaching in any public school of the Commonwealth, shall be issued to persons completing a curriculum in the College of Education and receiving a degree therefrom. This certificate shall be renewed for life after three years of successful experience in educational work in the public schools. Credit for one year

of graduate work may be accepted in lieu of one year of successful experience as above provided.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	T. R. Moore
Wm. J. Arvin	D. W. Fowler	B. T. Morris
W. O. Bach	Otto C. Gartin	L. P. Murphy
A. J. Baldridge	R. E. Glenn	Chas. N. McCarty
J. H. Baughman	F. A. Gnau	W. J. McGill
C. H. Berryman	Whitsett Hall	F. T. Nichols
W. P. Bowman	Lawrence Harmon	Caleb Page
Geo. A. Brown	J. F. Harrison	Smith Park
F. W. Bryant	C. W. Hawkins	J. J. Patterson
J R. Buckman	Goebel B. Henson	Geo. W. Potter
W. G. Buckner	H. M. Holbrook	W. H. Pryor
S. J. Bunger	H. B. Holland	C. W. Ryans
W. A. Carson	S. K. Holland	Chas. L. Seale
Lee Clark	J. C. Hutcherson	M. G. Slusher
Lonnie Cooper	Grover C. Johnson	W. R. Smith
J. D. Cox	W. W. Johnson	E. J. Snyder
W. J. Curtis	J. R. Kelly	Frank L. Strange
C. L. Daly	Thos. H. King	J. G. Swearengin
Mormon B. Daniel	Oscar Leibson	Mac Swinford
J. R. Dorman	J. L. Manning	J. L. Valandingham
E. J. Doss	H. H. Miller	Chiles Van Antwerp
D. E. Edwards	J. S. Milliken	W. S. Wallen

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 206. An Act to repeal section 2289 of the Kentucky Statutes, 1915 Edition, relating to certain duties of the trustees of the jury fund and imposing a penalty for failure to perform such duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2289 of the Kentucky Statutes, 1915 edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

The trustees of the jury fund shall ascertain and keep in a book prepared for that purpose and belonging to his office, a correct list of all judgments in behalf of the Commonwealth, showing the names of the defendants, amounts of judgments, when rendered, and in what court rendered; and he shall diligently pursue the collection of said judgments in the form of capias, execution, or otherwise.

§ 2. Upon the failure of any trustee of the jury fund to keep the record herein required to be kept or to diligently pursue the collection of the judgments in favor of the Commonwealth, as herein required, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, he shall be fined in any sum not exceeding $50.00. Each failure and omission

of the things herein required to be done by the trustee of the jury fund shall be deemed a separate offense.

§ 7. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	L. P. Murphy
W. B. Ardery	J. O. Evans	J. L. McDavid
W. O. Bach	R. E. Glenn	W. J. McGill
A. J. Baldridge	F. A. Gnau	Smith Park
J. H. Baughman	Lawrence Harmon	J. J. Patterson
Shaler Berry	C. W. Hawkins	Jas. J. Peters
C. H. Berryman	Goebel B. Henson	Geo. W. Potter
Geo. A. Brown	H. B. Holland	W. H. Pryor
J. R. Buckman	E. M. Johnson	C. W. Ryans
W. G. Buckner	Grover C. Johnson	Chas. L. Seale
S. J. Bunger	W. W. Johnson	M. G. Slusher
W. A. Carson	Mrs. H. G. Jorris	W. R. Smith
C. B. Carver	W. O. Keller	E. J. Snyder
Lonnie Cooper	J. R. Kelly	J. G. Swearengin
Fred H. Coots	J. L. Manning	Mac Swinford
J. D. Cox	A. M. Mercer	Chiles Van Antwerp
W. J. Curtis	H. J. Meyers	C. D. Vincent
C. L. Daly	H. H. Miller	W. S. Wallen
Mormon B. Daniel	T. R. Moore	T. B. Watts
J. R. Dorman	B. T. Morris	

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 171. An Act to amend and re-enact sections 1377, 1378, 1379-1, 1379-8 and 1380, Kentucky Statutes, 1922 Edition, all relating to prisoners and punishment thereof by hard labor, fixing duties of county judge in reference thereto, and providing penalties for violation of such duties .

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1377, Kentucky Statutes, 1922 edition, which is as follows:

"When the punishment for a crime is a fine, or imprisonment in the county jail, or both, the jury may, in their discretion, if the defendant is a male, provide in their verdict that the defendant shall work at hard labor until the fine and costs or imprisonment is satisfied, or until both are satisfied."

Be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows:

When the punishment for a crime is a fine, or imprisonment in the county jail, or both, the jury may, in their discretion, if the defendant is a male, provide in their verdict that the defendant shall work at hard labor until the fine and costs or imprisonment is satisfied, or until both are satisfied, and it shall be the duty of the presiding judge at such a trial to inform the jury by an instruction that it may, in its discretion, provide in its verdict that the defendant shall work at hard

labor until the fine and costs or imprisonment is satisfied, or until both are satisfied.

§ 2. That section 1378, Kentucky Statutes, 1922 edition, which is as follows:

"When such a verdict is returned, or when the case is tried by the court, a judgment shall be rendered directing that the defendant shall work at hard labor, at the rate of one dollar per day until the fine and costs are paid, or during the time of his imprisonment, or until both are satisfied, as the jury in their verdict may determine."

Be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows:

When such a verdict is returned, or when the case is tried by the court, a judgment shall be rendered directing that the defendant shall work at hard labor, at the rate of one dollar per day until the fine and costs are paid, or during the time of his imprisonment, or until both are satisfied, as the jury in their verdict may determine.

§ 3. That section 1379-1, Kentucky Statutes, 1922 edition, which is as follows:

"In all cases in which a court or jury shall provide that the defendant shall work at hard labor until his fine and costs or imprisonment or if the county judge shall fail wilfully to perform the duties herein required he shall be subject to indictment and upon conviction shall be fined not less than $100 nor more than $500 for each offense, both are satisfied, the defendant shall be placed in the workhouse, if there be one in the county, or at work upon some public work or road of the county, or he may be placed upon the public works of any city or town in the county. The place of working such prisoners shall be determined by the county judge and it shall be his duty to enter an order on the order book of the county court, specifying the manner in which such prisoners shall be worked and he shall give preference to work on the roads of the county, whenever the weather will permit."

Be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows:

In all cases in which a court or jury shall provide that the defendant shall work at hard labor until his fine and costs or imprisonment or both are satisfied, the defendant shall be placed in the workhouse, if there be one in the county, or at work upon some public work or road of the county, or he may be placed upon the public works of any city or town in the county. The place of working such prisoners shall be determined by the county judge, and it shall be his duty to enter an order on the order book of the county court, specifying the manner in which such prisoner shall be worked and he shall give preference to work on the roads of the county, whenever the weather will permit.

§ 4. That section 1379-8, Kentucky Statutes, 1922 edition, which is as follows:

"Any officer arresting any male person upon a capias pro fine or other similar writ, which fine and costs may be worked out at hard labor if the same is not satisfied, may deliver his prisoner to a manager of a workhouse or a manager of a work crew and said managers shall receive such prisoners as jailers are authorized to do. All prisoners placed at hard labor shall be permitted to satisfy their fines and costs at the rate of one dollar ($1.00) per day. Managers shall be required to keep the time of prisoners and release them when their time shall expire, provided that any prisoner who shall pay the fine and costs not worked out shall be released from custody upon order of the court committing said prisoners."

Be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows:

Any officer arresting any male person upon a capias pro fine or other similar writ, which fine and costs may be worked out at hard labor if the same is not satisfied, may deliver his prisoners to a manager of a workhouse or a manager of a work crew and said managers shall receive such prisoners as jailers are authorized to do. All prisoners placed at hard

labor shall be permitted to satisfy their fines and costs at the rate of two dollars ($2.00) per day. Managers shall be required to keep the time of prisoners and release them when their time shall expire, provided that any prisoner who shall pay the fine and costs not worked out shall be released from custody upon order of the court committing said prisoners.

§ 5. That section 1380, Kentucky Statutes, 1922 edition, which is as follows:

"The defendant shall not be required to labor more than eight hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remain unpaid after receiving credit of one ($1.00) for each day worked in payment thereof."

Be and the same is hereby amended and re-enacted so that when amended and re-enacted it shall read as follows.

The defendant shall not be required to labor more than eight hours a day, and may at any time pay or replevy the fine and costs, or whatever part thereof remain unpaid after receiving credit of two dollars ($2.00) for each day worked in payment thereof.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. O. Bach	C. H. Berryman
W. B. Ardery	A. J. Baldridge	F. W. Bryant
Wm. J. Arvin	J. H. Baughman	J. R. Buckman

W. G. Buckner	J. F. Harrison	J. L. McDavid
S. J. Bunger	C. W. Hawkins	W. J. McGill
W. A. Carson	Goebel B. Henson	F. T. Nichols
C. B. Carver	H. M. Holbrook	Caleb Page
Lonnie Cooper	H. B. Holland	Smith Park
Fred H. Coots	S. K. Holland	J. J. Patterson
J. D. Cox	Ira L. Horne	Jas. J. Peters
W. J. Curtis	J. C. Hutcherson	Geo. W. Potter
C. L. Daly	E. M. Johnson	W. H. Pryor
Mormon B. Daniel	Grover C. Johnson	R. R. Rogers
J. R. Dorman	W. W. Johnson	C. W. Ryans
E. J. Doss	Thos. H. King	M. G. Slusher
D. E. Edwards	Oscar Leibson	W. R. Smith
D. W. Fowler	J. L. Manning	E. J. Snyder
Otto C. Gartin	H. H. Miller	Frank L. Strange
R. E. Glenn	J. S. Milliken	J. G. Swearengin
F. A. Gnau	B. T. Morris	J. L. Valandingham
Whitsett Hall	L. P. Murphy	W. S. Wallen
Lawrence Harmon	Chas. N. McCarty	T. B. Watts

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There voted in the negative—

James M. Durham —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in the amendments adopted by this House on March 13, 1926 to a bill entitled:

H. B. 154. An Act to amend sections 2, 4, 12, 13, 24, 55, and 74 of an Act entitled "An Act to provide for an elective system of workmen's compensation."

(For full title see House Journal March 13.)

(For amendments see House Journal of March 13)

And has appointed a Committee of Conferees on the part of the Senate to act in conjunction with a similar Committee to be appointed by the Speaker of the House to take under advisement and consideration the differences which have arisen between the two Houses appertaining to said bill.

Thereupon by motion of Mr. Glenn the Speaker appointed Messrs. Dorman, Cushing and Berryman as members constituting said Conference Committee on the part of the House.

Ordered that the papers relative to this bill be delivered into the hands of said Conference Committee.

The hour of twelve o'clock M. having arrived, the House recessed until one o'clock P. M.

At the hour of one o'clock P. M. the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz.:

H. B. 238. An Act providing for registration fees and regulation of motor vehicles classed as trucks and providing penalties for violations of its provisions and repealing conflicting laws.

H. B. 52. An Act to provide for the cost of fiduciaries' bonds, and for charging the payment thereof to the estate in the hands of the fiduciary.

H. B. 628. An Act relating to roads and highways.

H. B. 607. An Act relating to public roads and including in the primary system roads in counties of McCracken, Graves and Ballard.

H. B. 623. An Act relating to roads and highways, road from Allensville, Todd county by way of Elkton to Trenton, Kentucky.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had reconsidered and passed a bill which originated in the Senate entitled:

S. B. 429. An Act appropriating the sum of $12,500 for the use by the Custodian of Public Buildings for the payments of salaries of such employees whose compensation has not been provided for in the regular annual budget allowance, but who have rendered, or may render, services in or on the State Capitol, Governor's Mansion or other public property.

The Governor's objections and veto to the contrary notwithstanding.

(For bill see House Journal of March 15).

The objections of the Governor and his reasons therefor, are as follows:

I return herewith with my disapproval Senate Bill 429.

It is obvious that this bill is designed to supply funds with which to pay for the services of certain employees of the Senate and House, who have served during the present session of the Legislature.

These employees have doubtless rendered efficient and much needed service throughout the session, for which they should be compensated, but the question of the constitutionality of their employment has been passed upon by the Court of Appeals, of Kentucky, our State's highest tribunal, and if I am correctly advised, that Court decided that the Constitution does not provide for the employment of the persons referred to. Therefore in view of the decision of the Court, I feel impelled to disapprove the bill.

W. J. Fields, Governor.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor to the contrary notwithstanding and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. S. Cruse	W. W. Johnson
Wm. J. Arvin	W. J. Curtis	D. C. Jones
Shaler Berry	J. L. Cushing	Mrs. H. G. Jorris
C. H. Berryman	C. L. Daly	W. O. Keller
W. P. Bowman	J. R. Dorman	J. R. Kelly
D. F. Brown	Otto C. Gartin	Thos. H. King
Geo. A. Brown	R. E. Glenn	Oscar Leibson
F. W. Bryant	F. A. Gnau	W. W. Leslie
J. R. Buckman	Lawrence Harmon	J. L. Manning
W. G. Buckner	C. W. Hawkins	Shelby Martin
S. J. Bunger	J. M. Hayse	A. M. Mercer
W. A. Carson	Goebel B. Henson	H. J. Meyers
Lee Clark	H. M. Holbrook	H. H. Miller
Lonnie Cooper	S. K. Holland	J. S. Milliken
J. D. Cox	E. M. Johnson	T. R. Moore

B. T. Morris	Smith Park	W. R. Smith
L. P. Murphy	Geo. W. Potter	Frank L. Strange
Chas. N. McCarty	W. H. Pryor	C. D. Vincent
J. L. McDavid	Philip J. Ryan	W. S. Wallen
W. J. McGill	C. W. Ryans	T. B. Watts
Caleb Page	M. G. Slusher	

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Those who voted in the negative were—

W. B. Ardery	D. E. Edwards	H. A. Pulliam
W. O. Bach	J. O. Evans	E. J. Snyder
J. H. Baughman	J. F. Harrison	Mac Swinford
Fred H. Coots	H. B. Holland	J. L. Valandingham
Mormon B. Daniel	J. C. Hutcherson	Chiles Van Antwerp
E. J. Doss	Jas. J. Peters	

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Ordered that the Clerk of this House return said bill to the Senate with the action of the House thereon.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 162. An Act to accept the provisions of an Act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of Agricultural Experiment stations and for other purposes.

H. B. 604. An Act to provide for the execution and sale of Four Million Dollars ($4,000,000.00) of bonds of the Commonwealth for the purpose of paying outstanding warrants of the Commonwealth and the interest accrued thereon.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a resolution which originated in the Senate of the following title, viz.:

S. Res. 12. Concurrent Resolution providing for the rejection of the proposed 20th Amendment.

Said resolution is as follows, viz.:

A Concurrent Resolution providing for the rejection of the proposed 20th Amendment to the Constitution of the United States, being the so-called Child Labor Amendment to said Constitution.

Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States of America in the following words, to-wit:

"Joint Resolution proposing an amendment to the Constitution of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article —

"Section 1. That Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"Section 2. That power of the several States is unimpaired by this article, except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress," and

Whereas, in the opinion of the majority of the members of the General Assembly of Kentucky, said proposed measures violates the principle of local self government inasmuch as the States are asked to surrender a power which is peculiar to the States, and

Whereas, in the opinion of the members of the General Assembly of Kentucky, there can be no real liberty where such important personal rights may be limited, regulated and prohibited to the extent proposed in the 20th Amendment to the Constitution of the United States, in which it is sought to give Congress the power to enter the homes for the purpose of regulating the child life, even to the extent of actually prohibiting all labor of persons under 18 years of age.

Therefore, Be it resolved by the Senate of Kentucky, the House of Representatives concurring therein,

1. That the said proposed amendment to the Constitution of the United States of America be and the same is hereby rejected by the General Assembly of the Comomnwealth of Kentucky.

2. That certified copies of this concurrent resolution be forwarded by the Governor of this Commonwealth to the Secretary of State at Washington, D. C., and to the Presiding Officer of the United States Senate, and the Speaker of the House of Representatives of the United States.

Said resolution was adopted.

And that they had passed a bill which originated in this House of the following title, viz.:

H. B. 605. An Act to provide for the execution and sale of Five Million Dollars ($5,000,000.00) of bonds of the Commonwealth of Kentucky for the benefit of the Penal, Correctional and Charitable Institutions.

With the following Senate Amendment thereto, viz.:

Amend title to H. B. 605 in Senate by striking the following: "And the naming of seven Commissioners in connection therewith."

Said Amendment was concurred in.

Said bill, as amended, was then passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	E. J. Doss	Shelby Martin
Wm. J. Arvin	D. W. Fowler	H. J. Meyers
T. H. Benton	Otto C. Gartin	H. H. Miller
Shaler Berry	R. E. Glenn	J. S. Milliken
C. H. Berryman	F. H. Gnau	T. R. Moore
W. P. Bowman	Lawrence Harmon	B. T. Morris
D. F. Brown	C. W. Hawkins	L. P. Murphy
Geo. A. Brown	J. M. Hayse	J. L. McDavid
F. W. Bryant	H. M. Holbrook	Smith Park
W. G. Buckner	S. K. Holland	Geo. W. Potter
S. J. Bunger	E. M. Johnson	Philip J. Ryan
W. A. Carson	W. W. Johnson	C. W. Ryans
Lee Clark	Mrs. H. G. Jorris	Chas. L. Seale
Lonnie Cooper	W. O. Keller	M. G. Slusher
J. S. Cruse	J. R. Kelly	W. R. Smith
W. J. Curtis	Thos. H. King	W. S. Wallen
J. L. Cushing	Oscar Leibson	T. B. Watts
C. L. Daly	W. W. Leslie	
J. R. Dorman	J. L. Manning	

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Those who voted in the negative were—

W. O. Bach	J. F. Harrison	Jas. J. Peters
J. R. Buckman	Goebel B. Henson	W. H. Pryor
Fred H. Coots	H. B. Holland	H. A. Pulliam
J. D. Cox	Ira L. Horne	E. J. Snyder
Mormon B. Daniel	Grover C. Johnson	Mac Swinford
James M. Durham	Chas. N. McCarty	J. L. Valandingham
D. E. Edwards	W. J. McGill	Chiles Van Antwerp
J. O. Evans	Caleb Page	

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Ordered that said bill be delivered to the Enrolling Clerk.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a resolution of the following title, viz.:

S. R. 32. Joint Resolution for the purpose of validating certain State warrants.

Said resolution is as follows, viz.:

Joint Resolution for the purpose of validating certain State warrants alleged to be invalid issued to contractors for road construction and material, and validating all road contracts let or entered into by the State Highway Commission prior to July 1, 1924, and state warrants issued in payment of said contracts or any part thereof; directing the funds out of which to pay same and the debts owing counties created under the old State Aid Law and providing for payment of interest on claims of contractors for road construction.

Whereas, there is a suit pending in the Franklin circuit court in which it is alleged by certain parties that road contracts and warrants issued in payment thereof are invalid and asking for an injunction to prevent the Auditor from issuing and the Treasurer from paying such state warrants and the Highway Commission from making certification of claims of contractors growing out of said contracts; and

Whereas, if said suit should be successful the result would be great financial loss to those who have furnished labor and material to the state and also to those who have purchased the warrants of the state, and a great injury to the credit of the state, and

Whereas, at the time such contracts were entered into all parties acted in good faith and the various contractors furnished material and labor and constructed roads which were accepted by the state and are now being used by the public and were a great use and benefit to the Commonwealth, and

in equity and good conscience said contractors should be paid, and

Whereas, on account of the financial condition of the state the estimates for work done as called for by the contracts between the contractors and the State Highway Commission were in numerous instances not made according to the terms of said contracts and as a result thereof said contractors did not receive payment when entitled to same and are entitled to interest thereon, therefore

Be it resolved by the Senate, the House of Representatives concurring:

§ 1. That all contracts for road construction made and entered into prior to July 1, 1924, are hereby declared to be legal and valid contracts with the Highway Commission and the Commonwealth of Kentucky, and all state warrants issued or to be issued growing out of said contracts in any wise are hereby declared to be legal and valid obligations of said Highway Commission of the Commonwealth of Kentucky.

§ 2. The Auditor of Public Accounts is hereby directed to audit any of such claims when certified to him by the Highway Commission and if found correct, to issue his warrant upon the Treasurer therefor, and such claims as have heretofore been certified, audited and warrants issued therefor are hereby declared to be legal and valid.

Any such warrant that has heretofore been presented to the Treasurer and paid or stamped interest bearing is hereby declared valid, and all other warrants issued by the Auditor growing out of said contracts and road construction shall be valid and the Treasurer shall either pay same or stamp them interest bearing according to law when there is not sufficient funds in the road fund to pay same.

§ 3. The Highway Commission, the Auditor and the Treasurer are hereby ordered and directed to pay out of the funds derived form the two-cent extra gasoline tax accruing after June 30, 1926, and provided for by House Bill 77 of the Session of the General Assembly of 1926, which was signed

and approved by the Governor February 19, 1926, first, the obligations growing out of contracts for road construction made prior to July 1, 1924, or any deficit, if one, created by same; second, they shall out of said two-cent extra gasoline tax pay off the debts owing to various counties of the state which was created under the State Aid Law, and third, out of said two-cent extra gasoline tax they shall pay interest at the legal rate on all sums which were due in accordance with the terms of said highway contracts but which were not paid nor warrants issued therefor when due, because of lack of funds, but no interest shall be paid on account of any sums due before November 1, 1924, or due or to become due after July 1, 1926. Said officers shall pay same either out of this fund or any other fund that may be available.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	S. J. Bunger	R. E. Glenn
W. B. Ardery	W. A. Carson	F. A. Gnau
Wm. J. Arvin	Lonnie Cooper	Lawrence Harmon
W. O. Bach	Fred H. Coots	Goebel B. Henson
T. H. Benton	J. D. Cox	H. M. Holbrook
Shaler Berry	J. S. Cruse	E. M. Johnson
C. H. Berryman	C. L. Daly	Grover C. Johnson
W. P. Bowman	J. R. Dorman	W. W. Johnson
D. F. Brown	E. J. Doss	D. C. Jones
Geo. A. Brown	D. E. Edwards	Mrs. H. G. Jorris
F. W. Bryant	J. O. Evans	W. O. Keller
J. R. Buckman	D. W. Fowler	Thos. H. King
W. G. Buckner	Otto C. Gartin	Oscar Leibson

W. W. Leslie	J. S. Milliken	C. W. Ryans
J. L. Manning	T. R. Moore	W. R. Smith
Shelby Martin	Jas. J. Peters	Mac Swinford
A. M. Mercer	Geo. W. Potter	C. D. Vincent
H. J. Meyers	W. H. Pryor	T. B. Watts
H. H. Miller	H. A. Pulliam	

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Those who voted in the negative were—

J. F. Harrison H. B. Holland

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to .

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 325. An Act making an appropriation for completing the monument and park at the Birthplace of Jefferson Davis at Fairview, Kentucky.

Said bill is as follows, viz.:

Whereas, the General Assembly of the Commonwealth of Kentucky, by an Act approved March 23rd, 1920 (Act 1920, Chapter 97) created a corporation entitled "Jefferson Davis Memorial," with power and for the purpose of securing to the Commonwealth of Kentucky, said birthplace of Jefferson Davis, with a Monument and the improvements thereon as a public park, and,

Whereas, the said Monument and park has been conveyed to the Commonwealth of Kentucky and placed in charge of the said "Jefferson Davis Memorial" and,

Whereas it will require the sum of Fifteen Thousand ($15,000.00) Dollars to finally complete the said Monument and install an elevator therein and properly finish grading and constructing roadways in said Park surrounding said Monument and in beautifying said grounds;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the Treasury of the Commonwealth of Kentucky, the sum of Fifteen Thousand ($15,000.00) Dollars, out of moneys not otherwise appropriated, to be used for the purpose of completing the Monument of Jefferson Davis and especially in installing a proper elevator in said Monument and in grading and constructing roadways in the Park surrounding said Monument and beautifying said grounds.

2. The Auditor shall draw his warrant on the Treasury of the Commonwealth of Kentucky, payable to the "Jefferson Davis Memorial" for the sum of Fifteen Thousand ($15,000.00) Dollars, which shall be used by the said Jefferson Davis Memorial for the sole purpose of completing said Monument and installing an elevator therein and the improvements of said park upon which said Monument is situated by grading and constructing the roads of said park and beautifying the grounds thereof.

§ 3. Any portion of said appropriation which may remain unexpended after the completion of said Monument by installing the said elevator and the improvement of said Park, shall be returned to the Treasury of the Commonwealth of Kentucky.

Mr. Glenn offered the following Amendment to said bill, viz.:

Amend S. B. 325, page 2, section 3, line 3, after the word "Park" insert "and other money derived from the operation of the said elevator and any other income from said property shall be returned to the Treasury of the Commonwealth of Kentucky."

Said Amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in acordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	Oscar Leibson
W. B. Ardery	J. O. Evans	W. W. Leslie
Wm. J. Arvin	D. W. Fowler	Shelby Martin
J. H. Baughman	Otto C. Gartin	A. M. Mercer
Shaler Berry	R. E. Glenn	H. J. Meyers
C. H. Berryman	F. A. Gnau	H. H. Miller
W. P. Bowman	Lawrence Harmon	T. R. Moore
D. F. Brown	J. F. Harrison	B. T. Morris
Geo. A. Brown	C. W. Hawkins	J. L. McDavid
J. R. Buckman	J. M. Hayse	W. J. McGill
W. G. Buckner	Goebel B. Henson	Geo. W. Potter
S. J. Bunger	H. M. Holbrook	W. H. Pryor
W. A. Carson	H. B. Holland	H. A. Pulliam
Fred H. Coots	J. C. Hutcherson	C. W. Ryans
J. D. Cox	E. M. Johnson	W. R. Smith
J. S. Cruse	Grover C. Johnson	E. J. Snyder
J. L. Cushing	W. W. Johnson	Mac Swinford
C. L. Daly	D. C. Jones	J. L. Valandingham
Mormon B. Daniel	Mrs. H. G. Jorris	C. D. Vincent
J. R. Dorman	W. O. Keller	T. B. Watts
E. J. Doss	Thos. H. King	

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Those who voted in the negative were—

F. W. Bryant	Caleb Page	Chiles Van Antwerp
James M. Durham	Clint Raymer	
Ira L. Horne	R. R. Rogers	

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Resolved that the title thereof by as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 256. An Act to amend and re-enacted section 2380-1, and section 2380-2 of Kentucky Statutes, Carroll's Edition, 1922, providing for the drainage of land, construction and reconstruction of levees and ditches, and the reclamation of low, swampy and overflowed lands, and relating generally to the drainage of lands.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2380-1 of Kentucky Statutes, Carroll's Edition, 1922, be amended by inserting after the word "course" and before the word "all," these words:

"And to have reconstructed any ditch, drain, creek, levee or canal which has heretofore been constructed under existing drainage laws or any previously existing drainage law."

So that said section when amended and re-enacted shall read as follows:

"That the county judge of any county in the Commonwealth of Kentucky shall have jurisdiction, power and authority to locate, establish and have constructed, all levees, ditches, drains or canals, and to have constructed, straightened, widened or depened any ditch, drain, creek or non-navigable water course, and to have reconstructed any ditch, drain, creek, levee or canal which has heretofore been constructed under existing drainage law, or any previously existing drainage law, all for the purpose of draining or reclaiming low, swampy or overflowed lands in such county."

And that Section 2380-2 of Kentucky Statutes, Carroll's Edition, 1922, be amended by adding after the word "petition" at the end of the first sentence, the following proviso:

"Provided, however, that in the case of the reconstruction of such levee, ditch, drain, canal, creek or water course said petition shall be signed by at least fifty per cent (50%) of the said land owners or fifty per cent (50%) of the land in said proposed district."

So that said section when amended and re-enacted, shall read as follows:

"Before the county judge shall establish, widen, straighten, deepen or construct any such levee, ditch, drain, canal, creek or water course, there shall be filed with the county clerk of such county a petition signed by not less than twenty-five per cent (25%) of the land owners or by the owners of not less than twenty-five per cent (25%) of the land in the proposed district embraced in said district as shown by the petition. Provided, however, that in the case of the reconstruction of such levee, ditch, drain, canal, creek or water course, said petition shall be signed by at least fifty per cent (50%) of the said land owners or fifty per cent (50%) of the land in said proposed district. In such petition shall be set forth the body of land or district of land, in the county, and adjoining county, or counties, proposed to be ditched, drained or leveed, described in such a way as to convey a general idea as to the location of the land, and that the drainage or leveeing

of same would result in public benefit or utility, or that the public health, convenience or welfare shall be promoted by the draining, ditching or leveeing of same, or by changing or improving the levee, ditch, drain, canal, creek or water course, if already in existence, in whole or in part, and also there shall be set forth, as far as practicable, the starting point, route, terminus, and lateral branches, if any, of the proposed improvement. Before any action is taken on said petition, the petitioners, or some one or more of them, shall execute a bond, with two or more individual sureties, or with some lawful surety or bonding company, to be approved by the county clerk in either event, to the Commonwealth of Kentucky, for the use and benefit of any party in interest, and in a sum not to exceed two hundred dollars ($200.00) per mile for each mile in length of the proposed improvement, conditioned for the payment of all costs and expenses incurred, in case the court shall fail or refuse to grant the prayer of said petition. If, at any time, during the proceeding, the court shall be satisfied the bond first executed is insufficient in amount, it may require the execution of additional bonds, and upon failure of the petitioner to execute same when required, the petition shall be dismissed. In said petition shall also be set forth the names of the owners of the land so far as known to the petitioners, whose lands are likely to be affected by the improvement. When said petitions and bond shall have been filed with the county clerk, the county judge, whether at a regular term time or not, shall thereupon appoint a competent civil and drainage engineer and two resident freeholders of the county, and the two freeholders shall be persons not named in the petition as interested, and not related to any of the parties so named in the petition as interested, and not related to any of the parties, so named, who shall constitute the board of viewers, to examine the land named in the petition and to make a preliminary report.

If the district proposed to be drained or leveed is located in more than one county, such petition may be filed in either

county, and the county judge of the county in which the petition is first filed shall have jurisdiction of the proceedings."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were:

Lewis Allen	J. L. Cushing	A. M. Mercer
Wm. J. Arvin	J. R. Dorman	H. J. Meyers
W. O. Bach	James M. Durham	H. H. Miller
T. H. Benton	D. E. Edwards	Chas. N. McCarty
Shaler Berry	D. W. Fowler	J. L. McDavid
C. H. Berryman	Otto C. Gartin	W. J. McGill
W. P. Bowman	F. A. Gnau	Caleb Page
D. F. Brown	C. W. Hawkins	Smith Park
F. W. Bryant	J. M. Hayse	Geo. W. Potter
J. R. Buckman	H. M. Holbrook	W. H. Pryor
W. G. Buckner	Ira L. Horne	H. A. Pulliam
S. J. Bunger	W. W. Johnson	W. R. Smith
Lonnie Cooper	Mrs. H. G. Jorris	E. J. Snyder
Fred H. Coots	W. O. Keller	Mac Swinford
J. D. Cox	Oscar Leibson	J. L. Valandingham
J. S. Cruse	J. L. Manning	C. D. Vincent

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Those who voted in the negative were—

W. A. Carson	J. F. Harrison	Thos. H. King
Lee Clark	Goebel B. Henson	Jas. J. Peters
C. L. Daly	H. B. Holland	W. S. Wallen
Mormon B. Daniel	J. C. Hutcherson	

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Resolved that the title thereof be as aforesaid.

Mr. Glenn movd that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 207. An Act to repeal and re-enact section 2286 of the Kentucky Statutes, 1915 Edition, relating to the duties of the trustees of the jury fund and clerks of all courts having jurisdiction to impose fines in favor of the Commonwealth so as to impose a penalty uopn the officer failing to discharge the duties required in such section.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2286 of the Kentucky Statutes, 1915 edition, be repealed and re-enacted so that the same, when thus re-enacted, shall read as follows:

The trustees of the jury fund shall superintend and urge the collection of all fines and forfeitures, and it is hereby made the duty of the clerk of each court of this Commonwealth having jurisdiction to impose fines in favor of the Commonwealth, at the close of each term thereof, to make and report to the trustee of the jury fund a full list of all fines and forfeitures imposed in said court at such term.

§ 2. The county judge, police judge, and justice of the peace shall be deemed to be the clerk of the court over which such officer presides.

§ 3. Upon the failure of any officer to discharge the duties herein required of such officer by the provisions of this

act, such officer so failing shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $50.00 and each failure or ommission upon the part of any officer shall be deemed a separate offense.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	J. S. Milliken
W. B. Ardery	James M. Durham	T. R. Moore
Wm. J. Arvin	D. E. Edwards	B. T. Morris
W. O. Bach	D. W. Fowler	L. P. Murphy
J. H. Baughman	R. E. Glenn	Chas. N. McCarty
T. H. Benton	F. A. Gnau	J. L. McDavid
Shaler Berry	J. M. Hayse	Smith Park
C. H. Berryman	Goebel B. Henson	Jas. J. Peters
W. P. Bowman	H. M. Holbrook	Geo. W. Potter
Geo. A. Brown	H. B. Holland	W. H. Pryor
J. R. Buckman	Grover C. Johnson	H. A. Pulliam
W. G. Buckner	W. W. Johnson	Philip J. Ryan
S. J. Bunger	W. O. Keller	Chas. L. Seale
Lonnie Cooper	Thos. H. King	W. R. Smith
J. D. Cox	Oscar Leibson	E. J. Snyder
J. S. Cruse	W. W. Leslie	Chiles Van Antwerp
C. L. Daly	J. L. Manning	C. D. Vincent
Mormon B. Daniel	H. J. Meyers	W. S. Wallen
J. R. Dorman	H. H. Miller	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 8. An Act fixing the time of holding circuit court in the 33rd Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 965, of Carroll's Kentucky Statutes, in so far as it relates to the time of holding court in the Thirty-third Judicial District, be and the same is hereby amended by striking from said section all that part which relates to the time of holding courts in the Thirty-third Judicial District, and inserting in lieu thereof the following, and as amended shall read as follows:

THIRTY-THIRD DISTRICT

In Perry County, at Hazard, beginning on third (3) Monday in February and continuing twenty-four (24) juridical days; beginning on the second (2) Monday in June and continuing twenty-four (24) juridical days; beginning on the second (2) Monday in September and continuing twenty-four juridical days; and beginning on the fourth (4) Monday in November and continuing twenty-four (24) juridical days.

In Leslie County, at Hyden, beginning on the third (3) Monday in March and continuing eighteen (18) juridical days; beginning on third (3) Monday in August and continu-

ing eighteen (18) juridical days; and beginning on second (2) Monday in November and continuing twelve (12) juridical days.

§ 2. Owing to the congested condition of the docket in said thirty-third judicial district an emergency is hereby declared and this act will be effective upon its passage and approval by the Governor.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	W. W. Johnson
Wm. J. Arvin	J. R. Dorman	D. C. Jones
W. O. Bach	E. J. Doss	W. O. Keller
Shaler Berry	James M. Durham	J. R. Kelly
C. H. Berryman	D. E. Edwards	Oscar Leibson
W. P. Bowman	J. O. Evans	Leon P. Lewis
D. F. Brown	D. W. Fowler	J. L. Manning
Geo. A. Brown	R. E. Glenn	Shelby Martin
F. W. Bryant	F. A. Gnau	H. J. Meyers
W. G. Buckner	Lawrence Harmon	H. H. Miller
S. J. Bunger	C. W. Hawkins	T. R. Moore
Lee Clark	J. M. Hayse	B. T. Morris
Lonnie Cooper	Goebel B. Henson	W. J. McGill
Fred H. Coots	H. M. Holbrook	F. T. Nichols
J. D. Cox	E. M. Johnson	Smith Park
J. L. Cushing	Grover C. Johnson	Geo. W. Potter

H. A. Pulliam Mac Swinford W. S. Wallen
C. W. Ryans J. L. Valandingham T. B. Watts
E. J. Snyder C. D. Vincent
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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 52. An Act relating to the holding of Circuit Courts in counties having therein cities of the third class or having therein portions of cities of a third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county of this Commonwealth having therein, or that may hereafter have therein a city of the third class, or a portion of a city of the third class, not a county seat, and being more than ten miles from the county seat, the distance to be measured from the court house at said county seat to the city limits of said third class city, or portion of said third class city, and along the most convenient and usually traveled route, the Circuit Court of such counties shall be held alternately so as to divide the time between the county seat, and the said third class city, or portion of the said third

class city, as the business may require, the first part of each term as now provided by law to be held at the county seat, and the other part of the term to be held at said third class city or portion of said third class city.

It shall be the duty of the Judge of the Circuit Court of the judicial district, in which said third class city, or portion of said third class city is situated, to cause to be summoned and impaneled grand and petitit juries, and in all things to conduct the said court in said third class city, or portion of said third class city, in the same manner provided by law for holding court in the county seats of the county in which the third class city, or portions of the third class city is located. Provided, however, that said Circuit Court may adjourn the grand or petit jury selected for the holding of courts at either of said places to the other.

All civil cases brought and prosecuted in said county shall be tried in the court nearest where the defendant resides, the distance to be measured along and by the most convenient and usual traveled route. Where there are two or more defendants, part of whom reside near the county seat, and part nearer the said third class city, or portions of the third class city, the case may be tried at either place. In all cases the court shall have a liberal discretion, and may try any case at either place, where the ends of justice and witnesses may be subserved and the decision of the court in this regard shall be final, and not subject to exception, or review on appeal.

Criminal cases shall be tried at the place nearest where the offense was committed, provided, if the court be of the opinion that ends of justice would be better subserved thereby, he may try any criminal case at either of said places, and it shall not be a ground of appeal or reversal that any such case was tried at one place when it should have been tried at the other.

Any third class city, or portion of a third class city, coming within the provisions of this act shall be entitled to its

benefits, whenever suitable provisions are made by said city, or portion of said city, for furnishing a court room, a safe and suitable vault and depository for all books, papers and records pertaining to the said Circuit Court, and any other expense to the county, and whenever it is made to appear to the Circuit Judge that said city, or portion of said third class city, has made the necessary provisions for holdling said court, as provided in this act, it shall then be the duty of said Judge, upon application of said third class city, or portion of said third class city, on the first day of the first term after filing said application, to enter an order directing the latter portion of said term, and each term thereafter to be held in said third class city, or portion of said third class city, and all cases shall be assigned for trial at one or the other of said places of holding said court, in accordance with the terms of this act.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	W. G. Buckner	E. J. Doss
Wm. J. Arvin	S. J. Bunger	James M. Durham
W. O. Bach	Lee Clark	D. E. Edwards
Shaler Berry	Lonnie Cooper	J. O. Evans
C. H. Berryman	Fred H. Coots	D. W. Fowler
W. P. Bowman	J. D. Cox	R. E. Glenn
D. F. Brown	J. L. Cushing	F. A. Gnau
Geo. A. Brown	C. L. Daly	Lawrence Harmon
F. W. Bryant	J. R. Dorman	C. W. Hawkins

J. M. Hayse	Leon P. Lewis	Geo. W. Potter
Goebel B. Henson	J. L. Manning	H. A. Pulliam
H. M. Holbrook	Shelby Martin	C. W. Ryans
E. M. Johnson	H. J. Meyers	E. J. Snyder
Grover C. Johnson	H. H. Miller	Mac Swinford
W. W. Johnson	T. R. Moore	J. L. Valandingham
D. C. Jones	B. T. Morris	C. D. Vincent
W. O. Keller	W. J. McGill	W. S. Wallen
J. R. Kelly	F. T. Nichols	T. B. Watts
Oscar Leibson	Smith Park	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 95. An Act to change the time of holding courts in 24th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965, Carroll's Kentucky Statutes, 6th edition be, and the same is amended with reference to the twenty-fourth judicial district of Kentucky, and as amended shall read as follows:

(1) Johnson County at Paintsville, Kentucky, on the First Monday in March—24 juridical days; Second Monday in June—24 juridical days; Second Monday in November—24 juridical days.

(2) Martin County, at Inez, Kentucky, on the First Monday in April—12 juridical days; First Monday in August—12 juridical days; Third Monday in October—12 juridical days.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. L. Manning
Wm. J. Arvin	D. E. Edwards	Shelby Martin
W. O. Bach	J. O. Evans	H. J. Meyers
Shaler Berry	D. W. Fowler	H. H. Miller
C. H. Berryman	R. E. Glenn	T. R. Moore
W. P. Bowman	F. A. Gnau	B. T. Morris
D. F. Brown	Lawrence Harmon	W. J. McGill
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	J. M. Hayse	Smith Park
W. G. Buckner	Goebel B. Henson	Geo. W. Potter
S. J. Bunger	H. M. Holbrook	H. A. Pulliam
Lee Clark	E. M. Johnson	C. W. Ryans
Lonnie Cooper	Grover C. Johnson	E. J. Snyder
Fred H. Coots	W. W. Johnson	Mac Swinford
J. D. Cox	D. C. Jones	J. L. Valandingham
J. L. Cushing	W. O. Keller	C. D. Vincent
C. L. Daly	J. R. Kelly	W. S. Wallen
J. R. Dorman	Oscar Leibson	T. B. Watts
E. J. Doss	Leon P. Lewis	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 117. An Act to change and fix the time, place and terms of Court in the 34th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the regular term of court in the thirty-fourth judicial district shall commence in each county of the district at the following times and places and continue if the business of the court requires it the number of juridical days hereinafter set out and prescribed herein as follows, to-wit:

Whitley county, at Williamsburg, first Monday in January and continue thirty-six juridical days, third Monday in April and continue thirty juridical days; second Monday in September and continue thirty-six juridical days.

Knox county, at Barbourville, third Monday in February and continue thirty juridical days; fourth Monday in May and continue thirty juridical days; fourth Monday in October and continue twenty-four juridical days.

McCreary county, at Whitley City, fourth Monday in March and continue twenty-four juridical days; first Monday

in July and continue eighteen juridical days; fourth Monday in November and continue thirty juridical days.

All acts, or parts of acts, in conflict with this act are hereby repealed.

Owing to the congested condition of the docket in said thirty-fourth judicial district an emergency is hereby declared and this act will be effective upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. L. Manning
Wm. J. Arvin	D. E. Edwards	Shelby Martin
W. O. Bach	J. O. Evans	H. J. Meyers
Shaler Berry	D. W. Fowler	H. H. Miller
C. H. Berryman	R. E. Glenn	T. R. Moore
W. P. Bowman	F. A. Gnau	B. T. Morris
D. F. Brown	Lawrence Harmon	W. J. McGill
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	J. M. Hayse	Smith Park
W. G. Buckner	Goebel B. Henson	Geo. W. Potter
S. J. Bunger	H. M. Holbrook	H. A. Pulliam
Lee Clark	E. M. Johnson	C. W. Ryans
Lonnie Cooper	Grover C. Johnson	E. J. Snyder
Fred H. Coots	W. W. Johnson	Mac Swinford
J. D. Cox	D. C. Jones	J. L. Valandingham
J. L. Cushing	W. O. Keller	C. D. Vincent
C. L. Daly	J. R. Kelly	W. S. Wallen
J. R. Dorman	Oscar Leibson	T. B. Watts
E. J. Doss	Leon P. Lewis	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 277. An Act to fix and regulate the time of holding the terms of the Circuit Courts in the Fifth Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The times of holding the terms of the circuit courts in the fifth judicial district shall be and they are hereby fixed as follows:

Henderson county. The terms of the Henderson circuit court shall be held in the city of Henderson beginning on the first Monday in January and continue twenty-four juridical days; on the third Monday in February and continue twenty-four juridical days; on the first Monday in May and continue eighteen juridical days; on the second Monday in June and continue eighteen juridical days; on the third Monday in September and continue twenty-four juridical days; on the first Monday in November and continue twelve juridical days.

Union county. The terms of th Union circuit court shall be held in the city of Morganfield, beginning on the first Monday in February, the third Monday in March, the fourth Mon-

day in May, the first Monday in September, the fourth Monday in October and the third Monday in November, and continue twelve juridical days each, if the business require.

Webster county. The terms of the Webster circuit court shall be held in the city of Dixon, beginning on the first Mondays in April, July and December and continue twenty- four juridical days each, if the business require.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed in so far as they conflict.

§ 3. Whereas, it is to the interest of the business of the district and of the courts thereof that this act shall take effect between the ending and the beginning of the terms of the courts of the district, an emergency is hereby declared to exist and this act shall take effect and be in force on and after the thirteenth day of June, 1926.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays bing taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	S. J. Bunger	D. E. Edwards
Wm. J. Arvin	Lee Clark	J. O. Evans
W. O. Bach	Lonnie Cooper	D. W. Fowler
Shaler Berry	Fred H. Coots	R. E. Glenn
C. H. Berryman	J. D. Cox	F. A. Gnau
W. P. Bowman	J. L. Cushing	Lawrence Harmon
D. F. Brown	C. L. Daly	C. W. Hawkins
Geo. A. Brown	J. R. Dorman	J. M. Hayse
F. W. Bryant	E. J. Doss	Goebel B. Henson
W. G. Buckner	James M. Durham	H. M. Holbrook

E. M. Johnson	Shelby Martin	H. A. Pulliam
Grover C. Johnson	H. J. Meyers	C. W. Ryans
W. W. Johnson	H. H. Miller	E. J. Snyder
D. C. Jones	T. R. Moore	Mac Swinford
W. O. Keller	B. T. Morris	J. L. Valandingham
J. R. Kelly	W. J. McGill	C. D. Vincent
Oscar Leibson	F. T. Nichols	W. S. Wallen
Leon P. Lewis	Smith Park	T. B. Watts
J. L. Manning	Geo. W. Potter	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 361. An Act to fix and regulate the time of holding the terms of Circuit Courts in the 37th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the terms of circuit court in the Thirty-seventh Judicial District shall be and are fixed as follows, to-wit:

Carter county, at Grayson—Second Monday in April and continuing 24 juridical days; second Monday in August and

continuing 18 juridical days; second Monday in November and continuing 24 juridical days.

Elliott county, at Sandy Hook—Third Monday in February and continuing 12 juridical days; First Monday in July and continuing 12 juridical days; First Monday in October and continuing 12 juridical days.

Morgan county, at West Liberty—Second Monday in March and continuing 18 juridical days; Third Monday in July and continuing 12 juridical days; Third Monday in October and continuing 12 juridical days.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of hte Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. D. Cox	Goebel B. Henson
Wm. J. Arvin	J. L. Cushing	H. M. Holbrook
W. O. Bach	C. L. Daly	E. M. Johnson
Shaler Berry	J. R. Dorman	Grover C. Johnson
C. H. Berryman	E. J. Doss	W. W. Johnson
W. P. Bowman	James M. Durham	D. C. Jones
D. F. Brown	D. E. Edwards	W. O. Keller
Geo. A. Brown	J. O. Evans	J. R. Kelly
F. W. Bryant	D. W. Fowler	Oscar Leibson
W. G. Buckner	R. E. Glenn	Leon P. Lewis
S. J. Bunger	F. A. Gnau	J. L. Manning
Lee Clark	Lawrence Harmon	Shelby Martin
Lonnie Cooper	C. W. Hawkins	H. J. Meyers
Fred H. Coots	J. M. Hayse	H. H. Miller

T. R. Moore	Geo. W. Potter	J. L. Valandingham
B. T. Morris	H. A. Pulliam	C. D. Vincent
W. J. McGill	C. W. Ryans	W. S. Wallen
F. T. Nichols	E. J. Snyder	T. B. Watts
Smith Park	Mac Swinford	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 419. An Act to authorize Fiscal Courts in certain counties to supplement the salary of the circuit judge therein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the passage and taking effect of this act, the fiscal court of any county, having an assessment for state and county purposes of twenty million dollars or more, and a population of thirty thousand or more shall have the legal authority to, and is hereby authorized, to supplement the salary of the circuit judge holding the circuit court therein, to an amount not to exceed eight hundred dollars: Provided that a judicial district containing two or more counties, as

provided above, may pro-rate or divide the said amount to be supplemented between such counties. The fiscal court of such counties may enter an order on the order book of the fiscal court, directing the county treasurer to pay said allowance and it shall be the duty of said treasurer to pay the same upon said order.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	J. L. Manning
Wm. J. Arvin	D. E. Edwards	Shelby Martin
W. O. Bach	J. O. Evans	H. J. Meyers
Shaler Berry	D. W. Fowler	H. H. Miller
C. H. Berryman	R. E. Glenn	T. R. Moore
W. P. Bowman	F. A. Gnau	B. T. Morris
D. F. Brown	Lawrence Harmon	W. J. McGill
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	J. M. Hayse	Smith Park
W. G. Buckner	Goebel B. Henson	Geo. W. Potter
S. J. Bunger	H. M. Holbrook	H. A. Pulliam
Lee Clark	E. M. Johnson	C. W. Ryans
Lonnie Cooper	Grover C. Johnson	E. J. Snyder
Fred H. Coots	W. W. Johnson	Mac Swinford
J. D. Cox	D. C. Jones	J. L. Valandingham
J. L. Cushing	W. O. Keller	C. D. Vincent
C. L. Daly	J. R. Kelly	W. S. Wallen
J. R. Dorman	Oscar Leibson	T. B. Watts
E. J. Doss	Leon P. Lewis	

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There voted in the negative—

W. A. Carson —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 410. An Act to amend chapter 260 of Acts of the General Assembly of the Commonwealth of Kentucky of the 1924 session, which Act relates to roads and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 260 of the Acts of 1924 session of the General Assembly of the Commonwealth of Kentucky, which relates to roads and highways, be amended and re-enacted so that said act so amended shall read as follows:

"That there be and now is established as a part of the primary system of roads and highways project No. —, to be as follows: From Rochester, Butler county, Kentucky, to Hartford, Ohio county, Kentucky, by way of Beaver Dam. Said project when thus established to be added to the projects established by chapter 17 of the acts of 1920.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	T. R. Moore
W. B. Ardery	James M. Durham	B. T. Morris
W. O. Bach	D. E. Edwards	L. P. Murphy
T. H. Benton	D. W. Fowler	W. J. McGill
C. H. Berryman	R. E. Glenn	Smith Park
W. P. Bowman	Lawrence Harmon	Geo. W. Potter
D. F. Brown	C. W. Hawkins	W. H. Pryor
Geo. A. Brown	J. M. Hayse	R. R. Rogers
F. W. Bryant	Goebel B. Henson	C. W. Ryans
J. R. Buckman	H. M. Holbrook	Chas. L. Seale
W. G. Buckner	Ira L. Horne	M. G. Slusher
S. J. Bunger	Grover C. Johnson	W. R. Smith
W. A. Carson	W. W. Johnson	E. J. Snyder
Lee Clark	W. O. Keller	Mac Swinford
J. S. Cruse	Thos. H. King	J. L. Valandingham
W. J. Curtis	Oscar Leibson	Chiles Van Antwerp
J. L. Cushing	W. W. Leslie	C. D. Vincent
C. L. Daly	J. L. Manning	W. S. Wallen
Mormon B. Daniel	A. M. Mercer	T. B. Watts
J. R. Dorman	J. S. Milliken	

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 411. An Act to establish a new road project.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. An act to establish a new road project, beginning at Central City, Muhlenberg county, Kentucky, and running via Midland to a point in project No. ....., near Midland, being project from John T. Noffsingers to Hannahs Bridge on Pond River.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	W. W. Johnson
W. B. Ardery	C. L. Daly	W. O. Keller
W. O. Bach	Mormon B. Daniel	Thos. H. King
T. H. Benton	J. R. Dorman	Oscar Leibson
C. H. Berryman	E. J. Doss	W. W. Leslie
W. P. Bowman	James M. Durham	J. L. Manning
D. F. Brown	D. E. Edwards	A. M. Mercer
Geo. A. Brown	D. W. Fowler	J. S. Milliken
F. W. Bryant	R. E. Glenn	T. R. Moore
J. R. Buckman	Lawrence Harmon	B. T. Morris
W. G. Buckner	C. W. Hawkins	L. P. Murphy
S. J. Bunger	J. M. Hayse	W. J. McGill
W. A. Carson	Goebel B. Henson	Smith Park
Lee Clark	H M. Holbrook	Geo. W. Potter
J. S. Cruse	Ira L. Horne	W. H. Pryor
W. J. Curtis	Grover C. Johnson	R. R. Rogers

C. W. Ryans	E. J. Snyder	C. D. Vincent
Chas. L. Seale	Mac Swinford	W. S. Wallen
M. G. Slusher	J. L. Valandingham	T. B. Watts
W. R. Smith	Chiles Van Antwerp	

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 61. An Act for the protection and conservation of Game, Fish and Furbearing Animals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Game and Fish Refuges; Commission may open to Public; Penalty for Violation. The Game and Fish Commission may at any time it may see fit, open to the public any lands or waters owned or controlled by its as preserves, refuges, sanctuaries or hatcheries and permit thereon hunting, trapping, angling or seining, or any or all of said privileges for such time and under such terms and conditions as it may see fit to impose. Any person who hunts, traps, angles, or seines, in or on any such preserve, refuge, sanctuary or hatchery, or catches, kills, injuries or pursues with such intent any bird, animal or fish, in or on any preserve, refuge, sanctuary or hatchery, or has in possession any such bird, animal or fish, or part thereof, after it has been so caught, killed or injured, except by permission from and in accordance with the terms

and conditions imposed by said Commission, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the County Jail for any period not exceeding thirty (30) days.

§ 2. Fishing License. No male person over eighteen years of age shall catch or attempt to catch any fish in any waters of this Commonwealth, except private ponds and those who fish solely on their own property, by means of pole and line, trot line, hand line, or set line, without first procuring a license so to do. Such licenses both as to residents and non-residents, shall be dated when issued and shall authorize the person therein named and described to angle or fish with pole and line, hand line, set line and trot line, during the calendar year, and then only within the restrictions provided by law. All such licenses shall be numbered consecutively at the time they are printed and shall be furnished by the Game and Fish Commission to the County Clerks, and may be obtained in the same manner and at the same cost as hunting licenses. The clerk of the various counties shall issue said licenses and keep records thereof in the same manner as hunting licenses, and shall receive the same compensation therefor. The money received from such licenses shall be remitted in the same manner as proceeds from hunting licenses and shall be placed in the Game and Fish Protection Fund.

Any person who shall make a false statement in order to procure a fishing license, or who shall alter his license in any way, or who shall fish without procuring a license, shall be deemed guilty of a misdeameanor and upon conviction shall be fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the County Jail for any period not exceeding thirty (30) days.

§ 3. Doves, Unlawful to Catch or Kill Before Seven o'clock in the Morning and after Six o'clock in the Evening. No person shall hunt, catch, kill, molest, injure or pursue any

dove before seven o'clock in the morning and after six o'clock in the evening.

§ 4. Fish—Closed Season. It shall be unlawful for any person to catch or take or attempt to take or catch, from any waters of this Commonwealth, except private ponds, any fish during the month of May in any year, excepting from the provisions of this act those using a single pole and baited hook.

§ 5. Any person violating any provisions of sections 3, 4, or 5, upon conviction, shall be fined not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars, to which may be added imprisonment in the County Jail for any period not exceeding thirty (30) days.

All fines, forfeitures and penalties collected under this act shall be distributed in accordance with the provisions of the laws relating to conservation of game, birds and fish.

§ 6. Constitutionality. The provisions of this act shall be severable, and if any of its provisions shall be held unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act, it being hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

§ 7. Repealing Clause. All laws or parts of laws inconsistent with any of the provisions of this act are hereby repealed.

Mr. Dorman offered the following Amendment to said bill, viz.:

Amend substitute to S. B. 61 on page 3, section 3 of the printed substitute, by adding after line 4 the following: "The closed season for doves shall be from January 1 to September 1st and from October 15 to November 15 of each year."

Mr. Dorman offered the following Amendment to said bill, viz.:

Amend Section 4 of the printed bill, line 4, by striking out the word "Act" and substituting the word "section" and in lines 4 and 5, after the word "those" strike out "using a single pole and baited hook" substituting in lieu thereof the words "using a single pole and one hook with live bait" so that when section is amended it shall read as follows, viz.:

"It shall be unlawful for any person to catch or take or attempt to take or catch from any of the waters of this Commonwealth except private ponds any fish during the month of May in any year, excepting from the provisions of this section, those using a single pole and one hook with live bait."

Said Amendments were agreed to.

Mr. Seale offered the following Amendment to said bill, viz.:

Amend S. B. 61 by striking out all of section 2, page 2 of said bill.

Said Amendments were agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title only, and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	Fred H. Coots	E. J. Doss
C. H. Berryman	J. L. Cushing	J. O. Evans
D. F. Brown	C. L. Daly	D. W. Fowler
Lee Clark	J. R. Dorman	R. E. Glenn

F. A. Gnau	Thos. H. King	H. A. Pulliam
C. W. Hawkins	Oscar Leibson	C. W. Ryans
J. M. Hayse	Leon P. Lewis	W. R. Smith
H. M. Holbrook	H. J. Meyers	Frank L. Strange
J. C. Hutcherson	J. S. Milliken	Mac Swinford
E. M. Johnson	L. P. Murphy	Chiles Van Antwerp
D. C. Jones	Chas. N. McCarty	T. B. Watts
W. O. Keller	Smith Park	

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Those who voted in the negative were—

Lewis Allen	W. J. Curtis	A. M. Mercer
Wm. J. Arvin	Mormon B. Daniel	H. H. Miller
W. O. Bach	James M. Durham	T. R. Moore
J. H. Baughman	D. E. Edwards	B. T. Morris
T. H. Benton	Lawrence Harmon	W. J. McGill
Shaler Berry	J. F. Harrison	F. T. Nichols
W. P. Bowman	Goebel B. Henson	Caleb Page
Geo. A. Brown	Ira L. Horne	Jas. J. Peters
F. W. Bryant	Grover C. Johnson	Geo. W. Potter
J. R. Buckman	W. W. Johnson	W. H. Pryor
W. G. Buckner	Mrs. H. G. Jorris	Clint Raymer
S. J. Bunger	J. R. Kelly	Chas. L. Seale
W. A. Carson	W. W. Leslie	E. J. Snyder
Lonnie Cooper	J. L. Manning	W. S. Wallen
J. D. Cox	Shelby Martin	

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At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 389. An Act to create the 38th Judicial District and to change the 26th and 34th Judicial Districts, and to fix the time of holding court therein.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 26th judicial district shall consist of the counties of Bell and Knox.

The 34th judicial district shall consist of the counties of Whitley and McCreary.

The 38th judicial district shall consist of the county of Harlan.

§ 2. Upon the passage and approval of this act, the Governor shall appoint a judge of the circuit court in the 26th judicial district, as constituted by this act, who shall hold his office until the first Monday in January, 1928, whose successor shall be elected at the regular November election, 1927, and every six years thereafter.

Hon. B. B. Golden, present Commonwealth's attorney of the 26th judicial district, shall hold his office in said 26th judicial district, as herein constituted for the present term, whose successor shall be elected at the regular November election, 1927, to take office on the first Monday in January following, and every six years thereafter.

Hon. R. S. Rose and Hon J. C. Bird shall be and remain circuit judge and Commonwealth's attorney respectively of the 34th judicial district, as herein constituted until the first Monday in January, 1928, whose successor shall be elected at the regular November election, 1927, and every six years thereafter.

Hon. J. G. Forester, present circuit judge of the 26th judicial district shall be and remain the judge in the 38th judicial district as herein constituted until the first Monday in January, 1928, whose successor shall be elected at the regular November election, 1927, and every six years thereafter. There shall be elected a Commonwealth's attorney for the new 38th judicial district, as herein constituted, at the regular November election, 1927, and every six years thereafter.

The Governor shall appoint a Commonwealth's attorney for the 38th judicial district, as herein constituted, to serve until the first Monday in January, 1928.

§ 3. The courts in the 26th, 34th and 38th judicial districts and in the several counties comprising the same shall be held at the following times and places and for the periods herein set out:

26th Judicial District—Knox County, at Barbourville, first Monday in January and continue 24 juridical days; second Monday in March and continue 18 juridical days; first Monday in May and continue 18 juridical days; first Monday in August and continue 18 juridical days; fourth Monday in September and continue 18 juridical days; third Monday in November and continue 18 juridical days.

Bell county—At Pineville and Middlesboro, as now provided by law; first Monday in February and continue 30 juridical days; first Monday in April and continue 24 juridical days; fourth Monday in May and continue 18 juridical days; fourth Monday in August and continue 24 juridical days; third Monday in October and continue 30 juridical days; second Monday in December and continue 18 juridical days.

34th Judicial District—Whitley County, Williamsburg; second Monday in January and continue 30 juridical days; Corbin, third Monday in February and continue 12 juridical days; Williamsburg, third Monday in April, and continue 30 juridical days; Corbin, fourth Monday in May and continue 12 juridical days; Williamsburg, first Monday in September and continue 24 juridical days; Corbin, first Monday in October and continue 12 juridical days.

McCreary County—Whitley City, second Monday in March and continue 30 days; Whitley City, second Monday in June and continue 24 juridical days; Whitley City, third Monday, October and continue 30 juridical days.

38th Judicial District—Harlan County at Harlan, second Monday in January and continue 36 juridical days; second Monday in March and continue 36 juridical days; second Monday in May and continue 36 juridical days; first Monday in July and continue 24 juridical days; first Monday in Sep-

tember and continue 24 juridical days; second Monday in October and continue 24 juridical days.

The judge may extend any term when found necessary to transact the business of the court or to finish a trial at any time.

A grand jury shall only be impanelled and criminal and penal cases tried at the March, July and October terms in the 38th district.

Grand juries shall be summoned and criminal and penal cases shall be heard only at the term of the court in the 26th district, as herein constituted, at Pineville and Middlesboro in Bell County on the first Monday in April, fourth Monday in August and second Monday in December. At Barbourville in Knox County on the second Monday of March, first Monday in August and third Monday in November, unless in case of an emergency and the court may otherwise direct.

§ 4. If any part of this act shall be held unconstitutional, it shall not invalidate or impair the effect of the remainder thereof.

This act shall take effect on the first day of July, 1926.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

T. H. Benton	D. F. Brown	W. A. Carson
Shaler Berry	F. W. Bryant	J. D. Cox
C. H. Berryman	J. R. Buckman	W. J. Curtis
W. P. Bowman	W. G. Buckner	J. L. Cushing

J. R. Dorman	J. R. Kelly	Geo. W. Potter
E. J. Doss	Oscar Leibson	Clint Raymer
Otto C. Gartin	J. L. Manning	Philip J. Ryan
Lawrence Harmon	Shelby Martin	C. W. Ryans
C. W. Hawkins	H. J. Meyers	M. G. Slusher
J. M. Hayse	L. P. Murphy	W. R. Smith
H. M. Holbrook	Chas. N. McCarty	E. J. Snyder
Ira L. Horne	J. L. McDavid	J. G. Swearengin
D. C. Jones	W. J. McGill	W. S. Wallen
Mrs. H. G. Jorris	F. T. Nichols	T. B. Watts
W. O. Keller	Smith Park	

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Those who voted in the negative were—

Lewis Allen	D. W. Fowler	B. T. Morris
W. B. Ardery	F. A. Gnau	Jas. J. Peters
W. O. Bach	J. F. Harrison	H. A. Pulliam
J. H. Baughman	Goebel B. Henson	Mac Swinford
S. J. Bunger	H. B. Holland	J. L. Valandingham
Mormon B. Daniel	Grover C. Johnson	Chiles Van Antwerp
D. E. Edwards	W. W. Johnson	
J. O. Evans	T. R. Moore	

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Jones moved that the vote by which the Conference Committee was appointed today appertaining to a bill entitled:

H. B. 34. An Act repealing section 4399a-10 Article V, chapter 113, of Carroll's 1922 Edition, Kentucky Statutes, title, Schools, Common and re-enacting the same with certain changes and modifications, making the office of county super-

intendent of schools an elective office, the county superintendent to be elected by the qualified voters of each county, etc.

Be reconsidered.

Said motion was agreed to.

Mr. Jones moved that the vote by which the House refused to concur in Senate Amendments Numbers 6, 7 and 8,

(For amendments see Journal of today, ante)

Be reconsidered.

Said motion was agreed to.

Mr. Jones moved that the House do now concur in each and all of said amendments.

Said motion was agreed to.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. J. Arvin	J. D. Cox	D. C. Jones
J. H. Baughman	E. J. Doss	Mrs. H. G. Jorris
T. H. Benton	James M. Durham	J. R. Kelly
C. H. Berryman	Lawrence Harmon	W. W. Leslie
D. F. Brown	J. M. Hayse	J. L. Manning
F. W. Bryant	H. M. Holbrook	A. M. Mercer
J. R. Buckman	H. B. Holland	H. H. Miller
S. J. Bunger	Ira L. Horne	J. S. Milliken
W. A. Carson	Grover C. Johnson	B. T. Morris
Lonnie Cooper	W. W. Johnson	Chas. N. McCarty

J. L. McDavid	Clint Raymer	E. J. Snyder
W. J. McGill	C. W. Ryans	J. G. Swearengin
F. T. Nichols	Chas. L. Seale	J. L. Valandingham
Jas. J. Peters	M. G. Slusher	T. B. Watts
W. H. Pryor	W. R. Smith	

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Those who voted in the negative were—

Lewis Allen	D. E. Edwards	H. J. Meyers
W. B. Ardery	J. O. Evans	T. R. Moore
W. O. Bach	D. W. Fowler	L. P. Murphy
Shaler Berry	Otto C. Gartin	Caleb Page
Geo. A. Brown	R. E. Glenn	Smith Park
W. G. Buckner	F. A. Gnau	Geo. W. Potter
Lee Clark	J. F. Harrison	H. A. Pulliam
Fred H. Coots	C. W. Hawkins	Frank L. Strange
W. J. Curtis	Goebel B. Henson	Mac Swinford
J. L. Cushing	J. C. Hutcherson	Chiles Van Antwerp
C. L. Daly	W. O. Keller	C. D. Vincent
Mormon B. Daniel	Oscar Leibson	
J. R. Dorman	Leon P. Lewis	

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Mr. Jones moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz.:

H. B. 528. An Act to amend section 490 of the Civil Code of Practice concerning the sale of real property and to authorize the sale of real property in which one or more persons

hold a life estate which is directed to be sold for the purpose of distribution to remainderman or remaindermen at the termination of the life tenancy.

H. B. 424. An Act placing Mussel Shell beds in the Ohio River and the Kentucky Streams under the control and regulation of the State Game and Fish Commission.

H. B. 301. An Act to amend and re-enact section 1 of section 606 of the Civil Code of Practice, Carroll's Kentucky Codes 1919, relating to the competency of witnesses.

H. B. 420. An Act providing for the appointment of assistant chief deputy sheriffs in counties having a city of the first class and fixing their duties and compensations.

H. B. 419. An Act to amend section 1763 of Carroll's Kentucky Statutes, 1925 Edition.

H. B. 211. An Act merging in counties in which there is a city of the first class the Board of Children's Guardians and the Board for the City and County Children's Home.

H. B. 435. An Act to amend, revise and re-enact section 8, chapter 36, acts of 1920, being an Act entitled "An Act creating a county Board of Education, prescribing its duties, fixing the tenure of office and compensation of its members, etc."

Ordered that said bills be delivered to the Enrolling Clerk.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 427. An Act to permit Magdalene Willett and others to sue the State in an amount not to exceed the foregoing sums for services rendered and performed to the Commonwealth of Kentucky.

Said bill is as follows, viz.:

An Act to permit Magdalene Willett, in a sum not to exceed $414.00, Jane Addams Waddle, in a sum not to exceed $414.00, Mrs. J. A. Kaltenbrun, in a sum not to exceed $318.00, Mrs. Margaret B. Nooe, in a sum not to exceed $318.00, Mrs. Hallie M. Brown, in a sum not to exceed $318.00, L. D. Bax, Jr., in a sum not to exceed $265.00, Dennie Morris, in a sum not to exceed $265.00, Cecil Sparks, in a sum not to exceed $265.00, G. W. G. Peel, in a sum not to exceed $265.00, Martha Dawson, in a sum not to exceed $132.50, Calvert Toole, in a sum not to exceed $265.00, Carl Beeler, in a sum not to exceed $265.00, Mary Malloy, in a sum not to exceed $414.00, Mrs. Elizabeth Lyons, in a sum not to exceed $414.00, Pres Blackburn, in a sum not to exceed $265.00, Mrs. E. C. Pebbles, in a sum not to exceed $265.00, Peter Welch, in a sum not to exceed $265.00, F. Boone Rapier, in a sum not to exceed $265.00, A. E. Hickey, in a sum not to exceed $265.00, E. B. Roberts, in a sum not to exceed $159.00, W. W. Kelly, in a sum not to exceed $159.00, Hazel Garner, in a sum not to exceed $159.00, and Mary Hoge Walker, in a sum not to exceed $159.00, to sue the State in an amount not to exceed the foregoing sums for services rendered and performed to the Commonwealth of Kentucky.

Whereas, on January 5, 1926, the Senate of the General Assembly of Kentucky in good faith employed the aforesaid Mary Malloy, Mrs. Elizabeth Lyons, Pres Blackburn, Mrs. E. C. Pebbles, Peter Welch, F. Boone Rapier, A. E. Hickey, E. B. Roberts, W. W. Kelly, Hazel Garner and Mary Hoge Walker to render services for said Senate at the following per diem: Miss Mary Malloy at $8.00 per day, Mrs. Elizabeth Lyons at $8.00 per day, Pres Blackburn at $5.00 per day, Mrs.

E. C. Pebbles at $5.00 per day, Peter Welch at $5.00 per day, F. Boone Rapier at $5.00 per day, A. E. Hickey at $5.00 per day, E. B. Roberts at $3.00 per day, W. W. Kelly at $3.00 per day, Hazel Garner at $3.00 per day, and Mary Hoge Walker at $3.00 per day, and that said persons under said employment rendered services to the Commonwealth from January 5, 1926, down to and including February 26, 1926, and

Whereas, the House of the General Assembly of Kentucky did on January 5, 1926, in good faith employed the aforesaid Magdalene Willett, Jane Addams Waddle, Mrs. J. A. Kaltenbrun, Mrs. Margaret B. Nooe, Mrs. Hallie M. Brown, L. D. Bax, Jr., Dennie Morris, Cecil Sparks, G. W. G. Peel, Martha Dawson, Calvert Toole, and Carl Beeler to render services for said House at the following per diem: Magdalene Willett at $8.00 per day, Jane Addams Waddle at $8.00 per day, Mrs. J. A. Kaltenbrun at $6.00 per day, Mrs. Margaret B. Nooe at $6.00 per day, Mrs. Hallie M. Brown at $6.00 per day, L. D. Bax, Jr., at $5.00 per day, Dennie Morris at $5.00 per day, Cecil Sparks at $5.00 per day, G. W. G. Peel at $5.00 per day, Martha Dawson at $2.50 per day, Calvert Toole at $5.00 per day and Carl Beeler at $5.00 per day, and that said persons under said employment rendered services to the Commonwealth from January 5, 1926, down to and including February 26, 1926; and

Whereas, the said House and Senate of the General Assembly in good faith employed the foregoing named persons at the per diem aforesaid, believing at the time of said employment and said employees believing at the time of said employment that such employment could be legally made, and that the House nor the Senate nor the persons aforesaid realized or knew that such employment was unauthorized or an invalid act upon and in behalf of the members of either the Senate or the House of the General Assembly; and it appearing in equity and in good conscience that the aforesaid named parties are entitled to the per diem set apart to them as aforesaid by the Senate and the House of the General Assembly

and said persons having rendered services to the State under said employment in good faith from January 5, 1926, down to and including February 26, 1926, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the foreging employments and claims growing out of same of each and every one of the persons heretofore stated are hereby declared to be claims against the Commonwealth of Kentucky and are hereby validated and that the said Magdalene Willett, Jane Addams Waddle, Mrs. J. A. Kaltenbrun, Mrs. Margaret B. Nooe, Mrs. Hallie M. Brown, L. D. Bax, Jr., Dennie Morris, Cecil Sparks, G. W. G. Peel, Martha Dawson, Calvert Toole, Carl Beeler, Mary Malloy, Mrs. Elizabeth Lyons, Pres Blackburn, Mrs. E. C. Pebbles, Peter Welch, F. Boone Rapier, A. E. Hickey, E. B. Roberts, W. W. Kelly, Hazel Garner, and Mary Hoge Walker, are each and all hereby permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court under the style of each named persons, plaintiff, against W. S. Shanks, Auditor, defendant, in order that said court may determine and allow after hearing proof as to the value of said services rendered by each of the said foregoing parties not exceeding the amount due each of said parties aforesaid for each of their services rendered to the Commonwealth as aforesaid and when a judgment for each of the aforesaid parties becomes final the Auditor is directed to issue to each of the aforesaid parties his warrant upon the Treasurer of the state for the amount of said judgment and said Treasurer is directed to pay said warrant or warrants out of any funds in his hands not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Lawrence Harmon	H. H. Miller
Shaler Berry	C. W. Hawkins	J. S. Milliken
W. P. Bowman	J. M. Hayse	T. R. Moore
D. F. Brown	Goebel B. Henson	B. T. Morris
F. W. Bryant	H. M. Holbrook	L. P. Murphy
J. R. Buckman	S. K. Holland	J. L. McDavid
W. G. Buckner	W. W. Johnson	W. J. McGill
S. J. Bunger	D. C. Jones	Caleb Page
W. A. Carson	Mrs. H. G. Jorris	Smith Park
Lee Clark	W. O. Keller	W. H. Pryor
J. D. Cox	J. R. Kelly	C. W. Ryans
J. L. Cushing	Oscar Leibson	M. G. Slusher
J. R. Dorman	W. W. Leslie	E. J. Snyder
E. J. Doss	Leon P. Lewis	J. G. Swearengin
D. W. Fowler	J. L. Manning	C. D. Vincent
Otto C. Gartin	Shelby Martin	T. B. Watts
R. E. Glenn	A. M. Mercer	
F. A. Gnau	H. J. Meyers	

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Those who voted in the negative were—

W. B. Ardery	Mormon B. Daniel	H. A. Pulliam
W. O. Bach	D. E. Edwards	Mac Swinford
J. H. Baughman	J. F. Harrison	J. L. Valandingham
Fred H. Coots	Jas. J. Peters	Chiles Van Antwerp

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Resolved that the title be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 146. An Act relating to the conveyance of the Zachary Taylor Burial Grounds, and approaches thereto, to the United States of America for national cemetery purposes.

Said bill is as follows, viz.:

Whereas, agreeable to the provisions of an Act of Congress of the United States, entitled, "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925,—the sum of ten thousand dollars has been appropriated by Congress for the purposes named in said act, and said sum is now being expended by the United States Government, under the supervision of of the Secretary of War, in the construction, on that portion of said burial grounds, owned and held by the State of Kentucky, of a new and appropriate mausoleum to hold the remains of the said Zachary Taylor and his wife—all of said burial grounds lying and being in Jefferson County, Kentucky, near the Brownsboro Road, and compromising, in the aggregate, not exceeding five acres; and,

Whereas, said Act of Congress also authorizes the Secretary of War to accept, free of cost to the United States Government, from the State of Kentucky, and from any others having authority to convey same, the land comprising the said burial grounds; upon the conveyance of which, by satisfactory title, the Secretary of War is authorized and directed to establish thereon a national cemetery; and,

Whereas, the State of Kentucky holds and owns in fee a certain portion of said burial grounds, and the remaining portions are held and owned by other parties; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor of Kentucky is hereby authorized and directed to appoint a Commissioner to make and execute, and said Commissioner is hereby authorized and directed to make and execute, for and in behalf of the Commonwealth of Kentucky, a deed, conveying, by fee simple title to the United States of America, for national cemetery purposes, in conformity with the provisions of said Act of Congress, all that portion of said Zachary Taylor burial grounds in Jefferson County, Kentucky, now owned and held by the Commonwealth of Kentucky, together with all improvements thereon and appurtenances thereunto belonging; such conveyance to be made free of any cost or charge to the United States of America for the property so conveyed. The said Commissioner is hereby authorized to ascertain by survey, or otherwise, the metes and bounds of said land to be conveyed, and to include in said deed an appropriate description of said land; and, also, a clause or proviso to the effect that if and when the United States Government shall cease to use or maintian the land thus conveyed, as a national cemetery, or for national cemetery purposes, the same, if demand to that effect shall be made by the Governor of Kentucky, shall revert to the Commonwealth of Kentucky, and complete jurisdiction over same shall, thereupon, be again vested in said Commonwealth. The said deed shall be in such form as shall be agreeable to the provisions of said Act of Congress and this Act; and the action of said Commissioner shall be and constitute the action of the Commonwealth of Kentucky in the premises.

§ 2. When such conveyances to the United States of America shall be made for and on behalf of the Commonwealth of Kentucky, exclusive jurisdiction shall then and thereby be ceded by the Commonwealth of Kentucky to, and vested in, the United States of America, over the land so conveyed, for all purposes, except that civil and criminal process issued by or under the authority of said Commonwealth may

be executed thereon the same as heretofore; but the jurisdiction hereby ceded shall continue no longer than the United States of America shall own said land.

§ 3. When such conveyances shall be made to the United States of America, for and on behalf of the Commonwealth of Kentucky, the land so conveyed, with all structures and improvements erected or maintained thereon, so long as same may remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under the authority of the Commonwealth of Kentucky, or any county, municipality, or district thereof.

§ 4. If and when the remaining portions of said burial grounds, or any of them, or any approaches thereto, shall be duly conveyed to the United States of America agreeable to, and for the purposes named in said Act of Congress, the exclusive jurisdiction of the Commonwealth of Kentucky over same, shall be then and thereby ceded to, and shall vest in, the United States, so long as the same shall be used for national cemetery purposes; except that civil and criminal process issued by or under the authority of said Commonwealth may be executed thereon the same heretofore; and in like manner, as provided in Section 3 hereof, all structures and improvements erected or maintained thereon, so long as same may remain the property of the United States, shall be exempt from all taxes and assessments imposed or levied by or under the authority of the Commonwealth of Kentucky, or any county, municipality, or district thereof.

§ 5. Because the aforesaid mausoleum, now under construction, will soon be completed, and said burial grounds, though greatly in need of care and improvement, cannot be cared for nor improved by the United States Government, or by it maintained for national cemetery purposes as contemplated by said act of Congress, until the conveyances herein authorized are made, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

T. H. Benton	F. A. Gnau	T. R. Moore
Shaler Berry	Lawrence Harmon	B. T. Morris
C. H. Berryman	C. W. Hawkins	L. P. Murphy
W. P. Bowman	J. M. Hayse	Chas. N. McCarty
Geo. A. Brown	S. K. Holland	J. L. McDavid
F. W. Bryant	Ira L. Horne	W. J. McGill
J. R. Buckman	J. C. Hutcherson	F. T. Nichols
W. G. Buckner	E. M. Johnson	Smith Park
S. J. Bunger	W. W. Johnson	Jas. J. Peters
Lonnie Cooper	D. C. Jones	W. H. Pryor
J. D. Cox	Mrs. H. G. Jorris	H. A. Pulliam
J. L. Cushing	J. R. Kelly	Clint Raymer
C. L. Daly	Oscar Leibson	C. W. Ryans
E. J. Doss	W. W. Leslie	Chas. L. Seale
James M. Durham	Leon P. Lewis	W. R. Smith
D. E. Edwards	J. L. Manning	Mac Swinford
J. O. Evans	Shelby Martin	J. L. Valandingham
D. W. Fowler	H. J. Meyers	C. D. Vincent
Otto C. Gartin	H. H. Miller	T. B. Watts
R. E. Glenn	J. S. Milliken	

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Those who voted in the negative were—

Wm. J. Arvin	E. J. Snyder

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Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 252. An Act to establish the location of Blackford Creek.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the ditch commonly known as "the Blackford" shall, from the mouth of Scaffold Lick Branch, northward to the Ohio River, be for all intents and purposes "Blackford" Creek and the boundry line between the counties of Hancock and Daviess from the mouth of said Scaffold Lick Branch northward to the Ohio River.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	T. H. Benton	D. F. Brown
Wm. J. Arvin	C. H. Berryman	Geo. A. Brown
J. H. Baughman	W. P. Bowman	F. W. Bryant

J. R. Buckman	H. M. Holbrook	F. T. Nichols
W. G. Buckner	S. K. Holland	Geo. W. Potter
S. J. Bunger	Ira L. Horne	W. H. Pryor
Lonnie Cooper	W. W. Johnson	H. A. Pulliam
J. D. Cox	Mrs. H. G. Jorris	Clint Raymer
C. L. Daly	J. R. Kelly	C. W. Ryans
Marmon B. Daniel	Thos. H. King	Chas. L. Seale
J. R. Dorman	Oscar Leibson	M. G. Slusher
E. J. Doss	W. W. Leslie	W. R. Smith
James M. Durham	Leon P. Lewis	E. J. Snyder
J. O. Evans	J. L. Manning	Mac Swinford
D. W. Fowler	H. H. Miller	J. L. Valandingham
Otto C. Gartin	J. S. Milliken	Chiles Van Antwerp
R. E. Glenn	T. R. Moore	C. D. Vincent
F. A. Gnau	B. T. Morris	W. S. Wallen
C. W. Hawkins	L. P. Murphy	T. B. Watts
J. M. Hayse	Chas. N. McCarty	
Goebel B. Henson	W. J. McGill	

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There voted in the negative—

W. O. Bach —1

Resolved that the title thereof be as aforesaid.

Mr. Glenn moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the hour of five-thirty o'clock P. M. Mr. Glenn moved that the House do now recess until seven o'clock P. M.

Said motion was agreed to.

At the hour of seven o'clock P. M. the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. 599. An Act to amend an Act entitled: "An Act relating to the employees of the General Assembly," approved July 11, 1893, same being section 1991, Carroll's Kentucky Statutes, 1915 Edition.

With the following Senate amendment thereto, by way of Substitute therefor, viz.:

An Act to amend An Act entitled "An Act relating to the employees of the General Assembly," approved July 11, 1893, same being section 1991 of Carroll's Kentucky Statutes, edition of 1915.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4 of An Act entitled "An Act relating to the employees of the General Assembly," approved July 11, 1893, same being section 1991 of Carroll's Kentucky Statutes, edition of 1915, be and the same is hereby amended by striking all of said section and substituting in lieu thereof the following:

All of said employees shall receive a per diem and it shall be as follows:

That of the Chief Clerk twenty six ($26.00); that of the Assistant Clerk sixteen dollars ($16.00); that of the Enrolling Clerk thirteen dollars ($13.00); that of the Sergeant at Arms Twelve dollars ($12.00); that of the Door Keeper eighteen dollars ($18.00); that of the Janitor nine dollars ($9.00); that of the Cloak Room Keeper twelve dollars ($12.00); and that of Pages eight dollars ($8.00) each.

(2) The sum of money necessary to pay the per diem of the employees named in amended section four hereof shall, be paid by the Treasurer to the Clerks of the House and

Senate upon requisition by the said Clerks for this purpose drawn on the state auditor. The amount of money requisitioned for by the said Clerks shall be distributed by them to the various employees upon the order of the President of the Senate in the case of the Senate Employees, and upon the order of the Speaker of the House, in case of House employees.

(3.) The provisions of the Act relative to the compensation of the employees of the House and Senate shall be effective and shall apply to the present session of the General Assembly and the per diem shall be paid for the 1926 Session to said employees in the amounts named in amended section four hereof, beginning January 5, 1926, provided that there shall be deducted from the amount due said employees the sum already due them for services rendered during the 1926 session.

(4) Should any section, paragraph, clause, or line in this Act be construed by the Court as being unconstitutional, or invalid, for any reason, this shall not affect the remainder of this Act, it being the purpose of the Legislature to enact each section, paragraph, clause and line of this Act separately.

(5) Whereas, the employees of the House and the Senate have rendered faithful and efficient services during the present session of the Legislature and their pay was entirely inadequate, an emergency is therefore declared to exist, and this law shall become effective immediately upon its enactment by the General Assembly and approval by the Governor.

(For bill see House Journal of March 5.)

Said substitute was then adopted.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Otto C. Gartin	L. P. Murphy
Shaler Berry	R. E. Glenn	Chas. N. McCarty
W. P. Bowman	F. A. Gnau	J. L. McDavid
D. F. Brown	Goebel B. Henson	W. J. McGill
F. W. Bryant	H. M. Holbrook	Smith Park
J. R. Buckman	S. K. Holland	Geo. W. Potter
W. G. Buckner	E. M. Johnson	W. H. Pryor
S. J. Bunger	Grover C. Johnson	Clint Raymer
W. A. Carson	Mrs. H. G. Jorris	R. R. Rogers
Lee Clark	W. O. Keller	Philip J. Ryan
Lonnie Cooper	J. R. Kelly	C. W. Ryans
J. D. Cox	Oscar Leibson	Chas. L. Seale
J. S. Cruse	J. L. Manning	M. G. Slusher
J. L. Cushing	Shelby Martin	W. R. Smith
C. L. Daly	H. J. Meyers	E. J. Snyder
Mormon B. Daniel	H. H. Miller	Frank L. Strange
E. J. Doss	J. S. Milliken	C. D. Vincent
J. O. Evans	T. R. Moore	W. S. Wallen
D. W. Fowler	B. T. Morris	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	Ira L. Horne	J. L. Valandingham
J. H. Baughman	H. A. Pulliam	Chiles Van Antwerp
J. F. Harrison	Mac Swinford	

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Mr. Glenn moved that the vote by which said bill was passed as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz.:

H. B. 603. An Act to provide for the execution and sale of Five Million Dollars ($5,000,000) of bonds of the Commonwealth for the benefit of the University of Kentucky, in the sum of ($3,000,000), etc.

(For full title and bill see House Journal of March 11)

Together with the following Amendments thereto, viz.:

Amend H. B. 603 by striking from line 3 of the title as appears in the printed bill the figures $3,000,000 and inserting in lieu thereof the words and figures $4,000,000 and by striking from the title the following words and figures, "the establishment and construction of a normal school for colored people in the Fifth Congressional District $400,000, the establishment and construction of a normal school for white people in the Sixth Congressional District, $400,000, the establishment and construction of a State normal school for white people in the Sandy Valley $400,000 and the establishment and construction of a state normal school for white people in the Eleventh Congressional District $400,000."

To Amend in Senate H. B. 603 by striking from lines 2 and 3 of section 6, page 6 of the printed bill the figures $3,000,000 and inserting in lieu thereof the figures $4,000,000 and by striking from lines 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 the following words and figures $100,000 in line 5 "and to aid in the establishment and construction of a State Normal School in the Fifth Congressional District for the benefit of the colored people of the state the sum of $400,000 and to aid in the establishment and construction of a State Normal School in the Sixth Congressional District for the benefit of white people in the sum of $400,000 and to aid in the establishment and construction of a State Normal School in the Sandy Valley for the benefit of the white people the sum of $400,000 and to aid in the establishment and construction of a State Normal

School in the Eleventh Congressional District for the benefit of white people the sum of $400,000.''

The Amendments as offered by the Senate were adopted.

Said bill was then rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Shaler Berry	Lawrence Harmon	H. H. Miller
C. H. Berryman	J. M. Hayse	J. S. Milliken
W. P. Bowman	S. K. Holland	T. R. Moore
Lee Clark	E. M. Johnson	B. T. Morris
J. S. Cruse	D. C. Jones	L. P. Murphy
J. L. Cushing	Mrs. H. G. Jorris	Smith Park
C. L. Daly	Oscar Leibson	Geo. W. Potter
J. R. Dorman	W. W. Leslie	Philip J. Ryan
D. W. Fowler	Leon P. Lewis	M. G. Slusher
Otto C. Gartin	J. L. Manning	J. L. Valandingham
R. E. Glenn	Shelby Martin	W. S. Wallen
F. A. Gnau	H. J. Meyers	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	D. E. Edwards	W. J. McGill
J. H. Baughman	J. O. Evans	Caleb Page
D. F. Brown	J. F. Harrison	Jas. J. Peters
Geo. A. Brown	C. W. Hawkins	W. H. Pryor
F. W. Bryant	Goebel B. Henson	H. A. Pulliam
J. R. Buckman	H. M. Holbrook	Clint Raymer
W. G. Buckner	Ira L. Horne	C. W. Ryans
S. J. Bunger	J. C. Hutcherson	E. J. Snyder
W. A. Carson	Grover C. Johnson	J. G. Swearengin
Lonnie Cooper	W. O. Keller	Mac Swinford
Fred H. Coots	J. R. Kelly	Chiles Van Antwerp
J. D. Cox	A. M. Mercer	C. D. Vincent
Mormon B. Daniel	Chas. N. McCarty	
E. J. Doss	J. L. McDavid	

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Mr. Glenn moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body entitled:

S. B. 154. (For title and bill see House Journal of March 13.)

Together with the following Report of the Conference Committee heretofore appointed by the Senate and House.

Said Conference Report is as follows, viz.:

Report, of Joint Conference Committee of the House and Senate, on amendments to the substitute for Senate Bill No. 154.

Your conference Committee having reached an agreement as to proposed amendments to said bill, and being in receipt of a joint written request from the duly authorized representatives of labor and the employers affected thereby concurring therein and requesting the elimination from the bill of all sections which have been the subject of controversy by either side, recommend the following Amendments thereto, viz.:

1. That the substitute for S. B. 154 be amended by striking therefrom all of Amendments numbers 2, 3, 4, and 5, which were inserted therein by the House of Representatives.

2. Concur in all of amendments numbered 1 and 6 and 7, which were inserted therein by the House of Representatives.

3. Amend the substitute for S. B. 154 by striking from said bill all of sections 2, 3, 4. and 5.

4. Amend the title to substitute for S. B. 154 by striking therefrom the figures "4", "12", "13" and "24" and

"4883", "4893", "4894", and "4905".

Respectfully submitted.

The Report of the Conference Committee as above set out was concurred in.

Said bill was then passed as amended by said Conference Report.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
J. H. Baughman	James M. Durham	J. S. Milliken
T. H. Benton	D. E. Edwards	T. R. Moore
Shaler Berry	J. O. Evans	B. T. Morris
C. H. Berryman	D. W. Fowler	L. P. Murphy
W. P. Bowman	R. E. Glenn	J. L. McDavid
D. F. Brown	Lawrence Harmon	W. J. McGill
Geo. A. Brown	J. F. Harrison	Smith Park
F. W. Bryant	C. W. Hawkins	Geo. W. Potter
J. R. Buckman	J. M. Hayse	H. A. Pulliam
W. G. Buckner	Goebel B. Henson	Philip J. Ryan
S. J. Bunger	S. K. Holland	Chas. L. Seale
W. A. Carson	Ira L. Horne	M. G. Slusher
C. B. Carver	E. M. Johnson	W. R. Smith
Lee Clark	Grover C. Johnson	E. J. Snyder
Lonnie Cooper	Mrs. H. G. Jorris	Chiles Van Antwerp
J. D. Cox	Oscar Leibson	C. D. Vincent
J. S. Cruse	W. W. Leslie	W. S. Wallen
J. L. Cushing	Leon P. Lewis	T. B. Watts
C. L. Daly	Shelby Martin	
Mormon B. Daniel	A. M. Mercer	

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Those who voted in the negative were—

F. A. Gnau Mac Swinford J. L. Valandingham
H. M. Holbrook

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Mr. Glenn moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body entitled:

S. B. 332. An Act to amend section 1321 Kentucky Statutes, Carroll's 1922 Edition.

The Governor's objections and his veto to the contrary notwithstanding.

The objections and veto of the Governor are as follows, viz.:

I return herewith with my disapproval Senate Bill No. 332.

This bill if enacted into law would, in my opinion, in many instances prove a great disadvantage to Churches and Sunday Schools, particularly in rural sections, where baseball and other sports which would come within the purview of this act, could and doubtless would be conducted in close proximity to the church during hours of worship, as a result of which the progress of the latter would be impeded.

Furthermore the fourth Commandment is just as obligatory as any of the ten given from Mount Sinai, hence I would not feel justified in approving any measure inimical to a proper observance of the Sabbath Day.

A Christian civilization cannot subordinate its interest in the church and kindred institutions to its interest in sports and long survive. I therefore feel impelled to disapprove the bill.

W. J. FIELDS, Governor.

The House then proceeded in accordance with the provisions of the Constitution to reconsider said bill to the end that it may now become a law.

After such reconsideration, the question was taken on the passage of said bill in accordance with the provisions of the Constitution, the objections of the Governor and his veto to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	E. J. Doss	J. S. Milliken
Wm. J. Arvin	James M. Durham	T. R. Moore
W. O. Bach	D. W. Fowler	Chas. N. McCarty
A. J. Baldridge	Otto C. Gartin	W. J. McGill
Shaler Berry	R. E. Glenn	Smith Park
C. H. Berryman	F. A. Gnau	Clint Raymer
W. P. Bowman	C. W. Hawkins	R. R. Rogers
D. F. Brown	J. M. Hayse	Philip J. Ryan
F. W. Bryant	H. M. Holbrook	C. W. Ryans
J. R. Buckman	E. M. Johnson	Chas. L. Seale
W. G. Buckner	W. O. Keller	M. G. Slusher
W. A. Carson	J. R. Kelly	W. R. Smith
Lonnie Cooper	Oscar Leibson	Frank L. Strange
J. D. Cox	Leon P. Lewis	Mac Swinford
J. S. Cruse	Shelby Martin	Chiles Van Antwerp
J. L. Cushing	A. M. Mercer	W. S. Wallen
C. L. Daly	H. J. Meyers	T. B. Watts
J. R. Dorman	H. H. Miller	

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Those who voted in the negative were—

Lewis Allen	Goebel B. Henson	F. T. Nichols
J. H. Baughman	S. K. Holland	Caleb Page
Geo. A. Brown	Ira L. Horne	Jas. J. Peters
S. J. Bunger	J. C. Hutcherson	Geo. W. Potter
Lee Clark	Grover C. Johnson	W. H. Pryor
Mormon B. Daniel	W. W. Johnson	H. A. Pulliam
D. E. Edwards	Mrs. H. G. Jorris	E. J. Snyder
J. O. Evans	B. T. Morris	J. L. Valandingham
J. F. Harrison	J. L. McDavid	C. D. Vincent

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Ordered that the Chief Clerk of this House return said bill to the Senate with the announcement of the action of the House taken thereon.

Mr. Wallen of the Committee on Rules offered the following resolution, viz.:

Whereas, certain real estate brokers in cities of the first and second classes paid state licenses for the fiscal year 1924-1925 prior to June 18, 1924, and before the law enacted at the legislative session of 1924 covering such licenses went into effect, and said brokers were required under said law to pay an additional license; and

Whereas, it was not the purpose of said new law to require the payment of two licenses; and

Whereas, there is no statutory remedy to secure the refund of said first license paid in advance and before the new law went into effect; now therefore,

Be it Resolved by the House of Representatives, the Senate concurring therein:

That all such real estate licenses paid prior to June 18, 1924 shall be refunded to the parties so paying them, to the extent of $9.50 each, and that the Auditor of Public Accounts is authorized to draw his warrants therefor, and the Treasurer is authorized to pay said warrants.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Lewis Allen	D. W. Fowler	A. M. Mercer
W. B. Ardery	Otto C. Gartin	H. J. Meyers
Wm. J. Arvin	F. A. Gnau	H. H. Miller
Shaler Berry	Lawrence Harmon	J. S. Milliken
C. H. Berryman	C. W. Hawkins	T. R. Moore
W. P. Bowman	J. M. Hayse	B. T. Morris
D. F. Brown	Goebel B. Henson	Chas. N. McCarty
Geo. A. Brown	H. M. Holbrook	J. L. McDavid
J. R. Buckman	S. K. Holland	W. J. McGill
W. G. Buckner	E. M. Johnson	Smith Park
S. J. Bunger	Grover C. Johnson	Geo. W. Potter
W. A. Carson	D. C. Jones	H. A. Pulliam
Lonnie Cooper	Mrs. H. G. Jorris	R. R. Rogers
J. D. Cox	W. O. Keller	Philip J. Ryan
J. S. Cruse	J. R. Kelly	M. G. Slusher
J. L. Cushing	Oscar Leibson	W. R. Smith
C. L. Daly	W. W. Leslie	E. J. Snyder
E. J. Doss	Leon P. Lewis	C. D. Vincent
James M. Durham	J. L. Manning	W. S. Wallen
J. O. Evans	Shelby Martin	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	J. F. Harrison	Clint Raymer
F. W. Bryant	Ira L. Horne	Chas. L. Seale
Fred H. Coots	J. C. Hutcherson	Mac Swinford
Mormon B. Daniel	Jas. J. Peters	Chiles Van Antwerp
D. E. Edwards	W. H. Pryor	

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Mr. Wallen moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wallen of the Committee on Rules, offered the following resolution, viz.:

Whereas, Thomas Hern and G. W. Lawrence, the elevator operators in the Capital, have worked extra hours during the present session of the General Assembly, and rendered efficient and courteous service to the members of the General Assembly, therefore,

Be it resolved by the House of Representatives the Senate concurring:

That said Hern and Lawrence be each paid the sum of $50.00 as compensation for said extra service, and the Auditor will draw his warrant on the Treasurer in favor of said Hern and Lawrence for said amount.

Said resolution was adopted.

Mr. Wallen moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 89. An Act further regulating common carriers and prescribing the duties and powers of the Railroad Commission with reference thereto as to joint rates, amending chapter 26 of the Acts of the General Assembly of 1920, approved March 19, 1920.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of chapter 26 of the Acts of the General Assembly of 1920, approved March 19, 1920, be amended by striking therefrom the following words "Provided no just and reasonable through route or joint rate exist;" so that said act when so amended will read as follows:

"Sec. 1. The Railroad Commission shall have the same power to regulate the existing joint rates of two or more common carriers by rail wholly within the state of Kentucky that it now has to regulate the rates of a single carrier, and may, after due notice to the carriers, hear complaints and establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of persons or property over such route, and also prescribe an equitable division of such joint rate whenever the carriers themselves shall refuse or neglect to establish such through route or division of such joint rate. Any order of the Railroad Commission made under this section shall take effect and be in force after the expiration of ten days from the time the same shall be entered of record on the order book of the commission and a copy thereof certified by the secretary of the commission mailed to any officer, agent or attorney of the railroad affected thereby; and said order may be revoked or modified by a subsequent order likewise entered of record; and any carrier or official, agent or employe thereof knowingly or wilfully failing to comply with any order of the commission made and entered under the provisions of this section shall be guilty of the same offense and shall be proceeded against in like manner as provided for a violation of section 820a, Carroll's Edition, Kentucky Statutes.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed."

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected, having failed to receive a constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Goebel B. Henson	Chas. N. McCarty
D. F. Brown	H. M. Holbrook	J. L. McDavid
Geo. A. Brown	Ira L. Horne	W. J. McGill
J. R. Buckman	W. W. Johnson	Smith Park
W. G. Buckner	D. C. Jones	Jas. J. Peters
S. J. Bunger	Mrs. H. G. Jorris	Geo. W. Potter
Fred H. Coots	W. O. Keller	H. A. Pulliam
J. D. Cox	J. R. Kelly	Chas. L. Seale
Mormon B. Daniel	W. W. Leslie	W. R. Smith
D. E. Edwards	Leon P. Lewis	W. S. Wallen
R. E. Glenn	J. L. Manning	
C. W. Hawkins	L. P. Murphy	

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Those who voted in the negative were—

W. B. Ardery	J. R. Dorman	W. H. Pryor
Wm. J. Arvin	D. W. Fowler	R. R. Rogers
W. O. Bach	F. A. Gnau	Philip J. Ryan
T. H. Benton	Lawrence Harmon	M. G. Slusher
Shaler Berry	E. M. Johnson	E. J. Snyder
C. H. Berryman	Grover C. Johnson	Frank L. Strange
W. P. Bowman	Shelby Martin	Mac Swinford
Lonnie Cooper	A. M. Mercer	Chiles Van Antwerp
J. L. Cushing	H. J. Meyers	T. B. Watts
C. L. Daly	T. R. Moore	

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Mr. Wallen moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 62. An Act creating a State Board of Examiners and Registration of Architects, prescribing its powers and duties, providing for examinations and issuing certificates to qualified registered architect or architects and providnig for penalties for violation of the provisions of this act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Establishing and Creating a Board of Examiners and Registration of Architects.—There is hereby established and created a Board of Examiners and Registration of Architects to consist of five (5) members. Within thirty (30) days after this act becomes a law, the Governor shall appoint as members of said board five (5) persons, four (4) of whom have been in the active practice of architecture in the Commonwealth of Kentucky for not less than ten (10) years previous to their appointment and who have been citizens of this Commonwealth for at least five (5) years immediately preceding such appointment. The fifth member of said board to be appointed shall be the Dean of the College of Engineering at the University of Kentucky, located at Lexington, Kentucky. Provided, however, if, in the future, there shall be established at the University of Kentucky, at Lexington, Kentucky, a school of architecture, then the fifth member of said board to be appointed may be the head of said department of architecture of the University of Kentucky, at Lexington, Kentucky. One member thus appointed shall be appointed for a term of one year; one member thus appointed shall be appointed for a term of two years; one member thus appointed shall be ap-

pointed for a term of three years, and two members thus appointed, one of whom shall be the Dean of the College of Engineering of the University of Kentucky at Lexington, Kentucky, or head of the Department of Architecture of the University of Kentucky at Lexington, Kentucky, shall be appointed for a term of four years; and thereafter as the terms of said offices expire, the Governor shall appoint from among the holders of certificates as registered architects, as herein provided for, a member of said board for a term of four (4) years or until his, or their, successor or successors shall be appointed and qualified. The Governor shall have the power to fill any vacancy occurring in the membership of the board and remove any member for cause after due notice and a hearing thereon.

§ 2. The Election of Officers for Term.—Within thirty (30) days after the appointment of said board, the members thereof shall hold a meeting and organize by the election of a president, secretary and treasurer, each of whom shall hold office until the Tuesday after the first Monday in January, 1927, and the election of officers thereafter shall be held annually on the Tuesday after the first Monday in January.

The office of secretary and treasurer may be held by the same person.

The first Board, after organizing, shall issue to each active architect member thereof a certificate as a registered architect.

§ 3. The Power to Make Rules and Regulations.—The Board shall make all necessary rules and regulations for conducting examination of applicants and governing the method and time for filing applications for examinations and the time within which an applicant must be examined after his application has been filed and said Board shall have the power to adopt all other reasonable rules and regulations not inconsistent herewith as may be necessary to carry into effect the objects and purposes of this act.

Said Board shall keep a complete record of its proceedings and an accurate list of all applications made, certificates issued, certificates revoked and a complete record of cash receipts and disbursements and shall make a report of same annually to the Governor on the thirty-first day of December of each year.

Said Board shall adopt and provide itself with a seal with a band inscribed: "State Board of Examiners and Registration of Architects of Kentucky," with the Coat of Arms of the State of Kentucky in the center, and all certificates issued, as provided in this act, shall be signed by the president and secretary of said Board and bear the imprint of said seal.

A majority of said Board shall constitute a quorum and an affirmative vote of three (3) members shall be considered as the action of said Board, except in cases of revoking a certificate, in which case the unanimous vote of the Board shall be required.

§ 4. Persons to Whom Certificates as Registered Architects are to be Issued.—The Board, upon application of any person who is a citizen of the United States and at least twenty-one (21) years of age, shall issue a certificate as a registered architect or architects without examination to any of the following.

(a) Any person who furnishes the proper evidence that he or she were known as architects and practicing architecture as his or her principal vocation within the Commonwealth of Kentucky at the time that this act became a law, for at least one year prior thereto and who applies for such certificate within six (6) months after the passage of this Act and its approval by the Governor.

(b) Any person who has for at least one year been a resident of this Commonwealth and has had at least ten (10) years satisfactory experience in the office or offices of a reputable architect or architects during three years of which he or she had responsible charge of work and shall be qualified to design as well as direct architectural work.

(c) Any person who has for at least one year been a resident of this Commonwealth and has received a diploma of graduation or a satisfactory certificate from a recognized school or college of architecture approved by the Board.

(d) Any person who is a registered architect in another state or country where the qualifications prescribed at the time of such registration or certification were equal to those prescribed in the Commonwealth of Kentucky at the date of application and which state or country grants reciprocal registration privileges to holders of certificates in this Commonwealth.

Any applicant not possessing the qualifications, as hereinabove set forth, who desires to become a registered architect or architects under the provisions of this act shall satisfactorily pass an examination in the following technical and professional subjects: 1, Draftsmanship; 2, Construction; 3, Designing; 4, Art of Planning; 5, Preparing Specifications. Provided such applicant is a citizen of the United States, at least twenty-one years of age, a graduate of a high school with a four-year course, or who, in the opinion of the Board, possesses an education fully equivalent to that of a graduate of a high school with a four-year course.

§ 5. Persons Exempted from the Provisions of the Act. —The following persons are exempted from the provisions of this act:

(a) Architects who are not residents of and have no established place of business in this Commonwealth, who are acting as consulting associates of an architect registered under the provisions of this act, provided the non-resident is qualified for such personal service in his own state or country.

(b) Architects acting solely as an officer or employe of the United States.

(c) Architects acting solely as employes of the Commonwealth of Kentucky or any subdivision of this Commonwealth at the time this act becomes effective and thereafter only until

the expiration of the then existing term of office of such employes.

§ 6. Draftsmen, Engineers, Mechanics, Builders May Not Use the Title Architect or Architects.—Nothing contained in this act shall prevent draftsmen, students, clerks-of-work, superintendents and other employes of those lawfully practicing as registered architects under the provisions of this act, from acting under the instructions, control or supervision of their employers, or to prevent the employment of superintendents of construction, enlargement or alteration of buildings or any appurtenances thereto, or prevent such superintendents from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any such buildings, enlargement or alteration were prepared. Nor shall anything contained in this act prevent persons who were known as architects before this act went into effect who have not applied for and obtained registration of architects after it went into effect, or engineers, mechanics, or builders from making plans and specifications or supervising the erection, enlargement or alteration of buildings, or any appurtenance thereto for other persons, firms or corporations, or for themselves, provided that the plans and specifications for such construction are signed by the authors thereof with the true appellation of his or her actual occupation in life, such as "Engineer" or "Mechanic" or "Builder," without the use of any form of the word or title "Registered Architect" or "Architect." Provided, nothing in this act contained shall be held or construed to have application to any building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village where such building or structure is to be, or is used for residential or farm purposes or for the purpose of outbuildings or auxiliary buildings in connection with such residential or farm premises.

§ 7. Who May Be styled as Architect or Registered Architect.—Any person having a certificate pursuant to the re-

quirements of this act may be styled or known as an architect or a registered architect.

§ 8. No Person Shall Assume the Title of Architect Unless Application for Certificate Has Been Applied For.—No person presumed to have the right to secure such certificate because of his or her use of the title "architect" prior to the time this act goes into effect, shall assume any title indicating that he or she is an architect, or any words, letters or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or registered architect, as provided for in this act, or stated his or her intention in writing to the Board to apply for a certificate within six (6) months after the passage of this act and its approval by the Governor.

§ 9. A Corporation or Partnership May Engage in the Practice of Architecture.—A corporation or a partnership or an individual principal may engage in the practice of architecture in this state, provided a person or persons connected with such corporation or partnership or individual principal in responsible charge of such practice is or are registered, as herein required of architects, or is or otherwise authorized to practice. The same exemption shall apply to corporations and partnerships as apply to individuals under this act.

§ 10. Fees.—For the purpose of defraying the expenses of the said Board, the following fees shall be paid into the treasury of the Board of Examiners and Registration of Architects of Kentucky:

(a) By an applicant for an examination to determine his fitness to receive a certificate of registration as a registered architect, Twenty-five ($25.00) Dollars.

(b) By an applicant for certificate of registration as a registered architect, Twenty-five ($25.00) Dollars.

(c) By an applicant for the restoration of an expired certificate of registration, Twenty-five ($25.00) Dollars.

(d) By an applicant for an annual renewal of a certificate of registration, Ten ($10.00) Dollars.

All of the above fees must accompany the applications and no part of said fees shall be refunded.

Any applicant failing to receive a certificate upon his first application under Section Four of this Act, or an applicant who fails to pass his first examination, shall be entitled to enter any stated examination held within three years from the date of his failure to procure a certificate, as provided for in this Act, without the payment of any additional fee.

§ 11. Salaries and Revocations of Certificates—Members of the Board to be appointed under the provisions of this Act, shall be paid for the time actually expended in the pursuance of the duties imposed upon them by this Act in an amount not exceeding Ten ($10.00) Dollars per day and they shall be entitled to necessary traveling expenses on official business of the Board.

All necessary expenses incident to carrying out the provisions of this Act, shall be paid out of the funds of the Board, but any expenses incurred under this Act shall never be a valid charge against the funds of the State of Kentucky.

Said Board of Examiners and Registered Architects shall revoke certificates issued under the provisions of this Act and held by any person who may be guilty of violating the provisions of the Act, or who fails to pay the annual dues within sixty days after same is due, provided, however, that written notice of such proposed action shall have been delivered in person or forwarded by registered mail to the holder of such certificate at his last known post office address, stating the cause for such contemplated action, together with a copy of the charges, appointing a time and place for hearing thereon by the Board of Examiners and Registration of Architects. Provided, however, that no certificate issued under this Act shall be revoked until after such hearing and at all such hearings; both the Board and the accused may be represented by counsel. Any certificate issued by the Board and subsequently revoked shall be surrendered to the Board.

§ 12. The Board Has no Power to Incur Debt Beyond Its Income.—The Board of Examiners and Registration of Architects of Kentucky hereby created shall not have the power to create any debt or incur any expense beyond the funds of the Board, which shall consist of fees, hereinabove fixed and an annual fee not exceeding Ten ($10.00) Dollars, which shall be paid at such time as may be fixed by said Board, by every person holding a certificate as a registered architect or architects issued by said Board.

Any person desiring to be relieved of the annual dues may do so by voluntarily surrendering his certificate to the Board, after which he shall not be considered or known as a registered architect or architect within the meaning of this Act, but such person within five years from the voluntary surrendering of said certificate may again qualify without the examination by the payment of the proper dues, as provided for in this Act.

§ 13. Penalties for Violating the Provisions of the Act. —Any person violating any of the provisions of this Act, shall be deemed guilty of a misdeameanor and upon conviction shall be fined not less than Ten ($10.00) Dollars, nor more than Two Hundred ($200.00) Dollars or be imprisoned in the County Jail for a period of not less than one (1) month nor more than six (6) months, or both so fined and imprisoned in the discretion of the Court or Jury.

§ 14. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of said Act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

§ 15. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. H. Berryman	Leon P. Lewis	Philip J. Ryan
Otto C. Gartin	Jas. J. Peters	Chiles Van Antwerp
F. A. Gnau	Geo. W. Potter	W. S. Wallen
D. C. Jones	H. A. Pulliam	
W. W. Leslie	R. R. Rogers	

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Those who voted in the negative were—

Lewis Allen	Fred H. Coots	J. R. Kelly
W. B. Ardery	J. D. Cox	A. M. Mercer
Wm. J. Arvin	J. S. Cruse	H. J. Meyers
W. O. Bach	W. J. Curtis	T. R. Moore
J. H. Baughman	Mormon B. Daniel	B. T. Morris
W. B. Belknap	D. E. Edwards	L. P. Murphy
T. H. Benton	J. O. Evans	Chas. N. McCarty
Shaler Berry	D. W. Fowler	J. L. McDavid
W. P. Bowman	Lawrence Harmon	W. J. McGill
Geo. A. Brown	C. W. Hawkins	F. T. Nichols
F. W. Bryant	Goebel B. Henson	W. H. Pryor
J. R. Buckman	H. M. Holbrook	Chas. L. Seale
W. G. Buckner	Ira L. Horne	W. R. Smith
S. J. Bunger	Grover C. Johnson	E. J. Snyder
Lee Clark	W. W. Johnson	
Lonnie Cooper	Mrs. H. G. Jorris	

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Mr. Wallen moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had receded from an Amendment heretofore adopted in the Senate to a bill entitled:

H. B. 586. (For title and bill see House Journal of March 4)

Said Amendment is as follows, viz.:

Amend H. B. 586 by striking therefrom Section No. 50.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing that they had receded from an Amendment heretofore adopted in the Senate to a bill entitled:

H. B. 587. (For title and bill see House Journal of March 4)

Said Amendment is as follows, viz.:

Amend H. B. 587 by striking therefrom Section No. 50.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 152. An Act to repeal, amend and re-enact sections 728, 733 and 734 of the Kentucky Statutes, Carroll's Edition, 1915 same being part of Chapter 32, Article 4, Subdivision 7, relating to real estate, title insurance companies. . . .

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 728, 733, and 734 of the Kentucky Statutes, Carroll's Edition, 1915, being a part of Chapter 32, Article 4, Sub.Division 7, be, and the same are hereby repealed, amended and re-enacted, so that same, when so amended and re-enacted, will read as follows, to-wit:

"Section 728. Powers of Corporation. When the articles are filed in the offices mentioned, and the corporation is authorized by the commissioner of the insurance department by a certificate issued under his seal of office, it may commence business, and shall thereupon become a body corporate, and be known by and carry on its business in its corporate name; and as such shall have power to adopt and use a corporate seal; to make contracts; sue and be sued, to examine titles to real estate and chattels real; to procure and furnish information in relation thereto; to make and guarantee the correctness of searches for all instruments, liens, or charges affecting the same, and to guarantee or insure bonds and mortgages, and the owners of real estate and chattels real, and others interested therein, against loss by reason of defects of title thereto and incumbrances thereon; to act as trustee under mortgages or deeds of trust executed by persons, partnerships or corporations, to secure the payment of bonds where the title to the real estate included in such mortgage or deed of trust shall have been examined and approved by such title company; to acquire and hold, subject to the provisions hereinafter contained, such real and personal property as may be necessary or convenient for the conduct of its business, and such real estate may be taken in satisfaction of debts due the corporation, or by subrogation under its guaranties or insurances, and to sell, lease, pledge, mortgage and convey the same; Provided, however, That all real estate acquired in satisfaction of any liability or indebtedness, or by subrogation,

unless the same be necessary for the uses and business of the corporation, shall be sold and disposed of within five years after becoming the property of the corporation; to appoint, elect, remove officers, define their duties, and when deemed advisable, require from any of them a bond or other satisfactory security for the faithful discharge of their duties; to prescribe, by its board of directors, by-laws for its government, not inconsistent with law, and to exercise, subject to law, such powers as may be necessary or convenient to carry on its business.

"Section 733. Capital. How to be Invested. The capital stock, not exceeding thirty-three and one-third per centum of the minimum amount thereof, of any such corporation organized under this law, or now doing business in this state, may be invested in the acquisition of such books, maps, abstracts, or copies of deeds and other instruments as shall be necessary or convenient for the transaction of its business; and such portions of its accumulations as shall be necessary or convenient may be used in maintenance, enlargement, and improvement of such plant. The remainder of such stock and accumulation shall be invested, except as hereinafter provided, in bonds and mortgages, lien notes or deeds of trust, on unencumbered real estate within the State of Kentucky, or any other State in the United States, worth at least thirty-three and one-third per centum more than the sum loaned thereon, with the right to subordinate as to priority in lien any part of any such loan; Provided that any bond subordinated in lien shall be so indicated by a proper signed or stamped endorsement on the bond itself, before the same shall be sold or transferred by said company; but in estimating the value of such real estate, the value of the buildings thereon shall be continued in force as long as the loan continues; also, in bonds of this State or any other State in the United States, or of the United States, or of any county or incorporated city or town of this State, authorized by law to be issued; also in the stocks of incorporated banks and trust companies; also

in the first mortgage bonds of railroads of this and other States, bonds or stocks of any bridge, water, street railroad, gas or electric corporation of this State, which have for two years previous to the time of making the investment, paid interest or dividends of not less than four per centum per annum, and shall have a market value of not less than twenty per centum below par; and to subscribe for, acquire and hold, stock in any corporation or corporations, engaging in business of title insurance or taking mortgages on real estate or any business of a similar or kindred nature, provided that such stock be acquired and paid for out of surplus or accumulations belonging to any corporation organized under this Act, but no part of its capital stock shall be used for such purpose.

Said capital and surplus may be invested in or loaned on the security of such bonds, stocks, lien notes, mortgages or debenture bonds, secured by and representing the beneficial interest in any such bonds, stocks, lien notes or mortgages, and the investments or loans herein authorized may be changed and the proceeds reinvested as occasion may from time to time require and the evidence of such investments or loans may be sold and the payment thereof endorsed or guaranteed.

No such corporation shall own more than one-sixth of the capital of any bank or corporation, except as otherwise provided herein; nor invest in nor loan on the stock and bonds, both included of any one railroad, more than one-tenth of its capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds; and no such corporation chartered by this State, and lawfully doing business herein authorized, shall be compelled to change any investment hertofore legally made. Provided, however, that no corporation organized under this sub-division and having a paid-in capital stock and surplus of less than five hundred thousand dollars, shall invest any part of such stock or ac-

cumulation in bonds, mortgages, lien notes or deeds of trust on real estate without the State of Kentucky.

"Section 734. Guaranty Fund. Amount Investment and Application of. Every such corporation shall set apart at least two-fifths, but in no case less than two-thirds of the minimum stock required by this act, of the amount of its paid-up capital stock as a guarantee fund, and the said fund shall be invested only in bonds of the United States of America and bonds and mortgages, lien notes, or deeds of trust on unincumbered real estate within the State of Kentucky, or any other State of the United States, worth at least thirty-three and one-third per centum more than the sum loaned thereon; but in estimating the value of such real estate the value of the buildings shall be excluded, unless such buildings be insured against fire and the policy transferred to the corporation, and such insurance shall be continued in force as long as the loan continues. No such corporation shall issue any insurance until such sum has been set apart and invested. Such guaranty fund shall be kept and applied only for the security and payment of losses and expenses which may be incurred by reason of the guaranties or insurance made as aforesaid, and shall not be subject to other liabilities of the corporation to the extent of and so long as any such insurance is outstanding. In case an increase in the amount of its capital stock shall be made by any such corporation, two-fifths part of such increase shall be set apart and added to the guaranty fund thereof, and kept and invested as aforesaid. Whenever on account of losses or otherwise the amount of the guaranty fund shall fall below such sum as is required to be set apart and invested by this act, no further insurance shall be issued until the deficiency below the amount so required has been supplied. Provided, however, that no corporation organized under this sub-division, and having a paid in capital stock and surplus of less than five hundred thousand dollars shall invest any part of such stock or accumulation in bonds, mortgages, lien-

notes or deeds of trust or real estate without the State of Kentucky."

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Mr. Meyers offered the following amendment to said bill, viz.:

Amend S. B. 152 as printed in House by striking therefrom the following language beginning in line 51, page 3 and ending in line 54:

"With the right to subordinate as to priority in lien any part of any such loan; provided that any bond subordinated in lien shall be so indicated by a proper signed or stamped endorsement on the bond itself; before the same shall be sold or transferred by said company."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Shaler Berry	W. G. Buckner
W. B. Ardery	C. H. Berryman	S. J. Bunger
Wm. J. Arvin	W. P. Bowman	W. E. Clark
W. O. Bach	D. F. Brown	Fred H. Coots
J. H. Baughman	F. W. Bryant	J. D. Cox
T. H. Benton	J. R. Buckman	J. S. Cruse

C. L. Daly	Grover C. Johnson	L. P. Murphy
E. J. Doss	W. W. Johnson	Chas. N. McCarty
J. O. Evans	D. C. Jones	J. L. McDavid
D. W. Fowler	Mrs. H. G. Jorris	W. J. McGill
Otto C. Gartin	W. O. Keller	Smith Park
R. E. Glenn	W. W. Leslie	Geo. W. Potter
F. A. Gnau	T. B. Lewis	W. H. Pryor
C. W. Hawkins	J. L. Manning	H. A. Pulliam
J. M. Hayse	A. M. Mercer	Philip J. Ryan
H. M. Holbrook	H. J. Meyers	C. W. Ryans
H. B. Holland	H. H. Miller	Chas. L. Seale
Ira L. Horne	J. S. Milliken	E. J. Snyder
E. M. Johnson	B. T. Morris	W. S. Wallen

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There voted in the negative—

Mormon B. Daniel —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 66. An Act to repeal and re-enact section 4077 of the Kentucky Statutes, Carroll's edition, 1915, relating to revenue and taxation and more especially to the assessment and taxation of the franchise of certain corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 4077 of the Kentucky Statutes, Carroll's edition of 1915, be and the same is hereby repealed and in lieu thereof the following be enacted as a substitute therefor:

Section 4077. Franchise; Assessment of. (1) Every railway company or corporation, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press ditspatch company, telephone company, bus line company, palace car company, dining car company, sleeping car company, chair car company, tank car company, coal car company, pipe line company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special, or exclusive privilege or franchise not allowed by law to natural persons, or performing any public service, shall, in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the state, and a local tax thereon to the county, incorporated city, town, and taxing district, wherein its franchise may be exercised.

The State Tax Commission shall constitute a board of valuation and assessment for fixing the value of said franchise, the place or places where such local taxes are to be paid by each such corporation on its franchise and how the assessment shall be apportioned, where more than one jurisdiction is entitled to a share of such tax, and for the discharge of such other duties as may be imposed on them by law.

It shall be the duty of the Attorney General, when requested by the State Tax Commission, to attend its meetings and advise with same in its proceedings.

(2) All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Otto C. Gartin	T. R. Moore
Wm. J. Arvin	R. E. Glenn	B. T. Morris
J. H. Baughman	F. A. Gnau	L. P. Murphy
Shaler Berry	Lawrence Harmon	Chas. N. McCarty
C. H. Berryman	C. W. Hawkins	J. L. McDavid
W. P. Bowman	J. M. Hayse	W. J. McGill
D. F. Brown	S. K. Holland	Smith Park
J. R. Buckman	Grover C. Johnson	Geo. W. Potter
W. G. Buckner	W. W. Johnson	W. H. Pryor
S. J. Bunger	D. C. Jones	Philip J. Ryan
Lonnie Cooper	W. O. Keller	Chas. L. Seale
J. D. Cox	W. W. Leslie	M. G. Slusher
W. J. Curtis	Leon P. Lewis	E. J. Snyder
J. L. Cushing	J. L. Manning	Frank L. Strange
C. L. Daly	Shelby Martin	C. D. Vincent
James M. Durham	H. J. Meyers	T. B. Watts
D. W. Fowler	J. S. Milliken	—50

Those who voted in the negative were—

W. B. Ardery	Mormon B. Daniel	Clint Raymer
W. O. Bach	D. E. Edwards	R. R. Rogers
Geo. A. Brown	Goebel B. Henson	W. R. Smith
C. B. Carver	Ira L. Horne	Mac Swinford
Fred H. Coots	A. M. Mercer	J. L. Valandingham
J. S. Cruse	W. J. McGill	Chiles Van Antwerp
		—16

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 156. An Act to repeal and re-enact section 1599a-1 Carroll's Kentucky Statutes, and further regulating the conditions under which persons, firms and corporations may place and maintain wires and poles, and other appliances for public utility service on the Highways constituting and embraced in the State Primary System.

Said bill is as follows, viz.:

Be ie enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, Section 1599c-1 be repealed and re-enacted so that when re-enacted said section shall read as follows:

(1599c-1) Any person, firm or corporation authorized under the laws of this state to conduct the business of producing and supplying electricity, gas or gasoline for purposes of light, heat, or power, and which shall be engaged, in the business of the transmission or sale of such electricity, gas or gasoline, after making just compensation, shall have the right, subject to the conditions hereinafter imposed, to construct transmission lines, including placing and maintenance of poles, wires, cross-arms and all other equipment incident thereto, for use in the transmission and sale of such electricity, or other power under, on, along or over any highway, public road or turnpike, and over, under or across any of the waters of this state, and to construct and maintain along any highway, public road or turnpike, all such erections and appliances as shall be necessary to transform, convert and apply

such electricity, gas or gasoline, to the purposes of lighting, heating or power, and to distribute and deliver same to the persons, firms and public or private corporations using the same; provided, that the fixtures of said company shall not interfere with, obstruct or endanger the travel on and along said highways, public roads or turnpikes, nor obstruct the navigation of said waters, and that the location of all transmission lines and other appliances shall be subject to the reasonable direction and regulation of the authorities having control of the highways, public roads, turnpikes and water through and over which such lines are constructed, or proposed to be constructed, and provided further that before any such persons, firm or corporation named in the beginning of this section shall proceed to place its wire and poles or either wires or poles or other appliances on or over any part of the right-of-way or rights-of-way of the roads or highways constituting or embraced in the State Primary Road System, such person, firm or corporation shall first obtain from the state highway engineer a permit, approved by the State Highway Commission, so to do; and any poles or wires or other obstruction already on or over, or that may hereafter be placed along, under, on or over any such roads or highways as are embraced in the State Highway Road System, and which are found by the state highway engineer and pronounced by the said engineer as unreasonably interfering in any way with the convenient, safe, and continuous use and maintenance of such roads or highways shall upon thirty days' notice to the person, firm or corporation or chief agent thereof, by the State highway engineer, be removed or relocated at the expense of and by person, firm or corporation; and, whenever the order of the state highway engineer, approved by the State Highway Commission, shall require such removals of, or changes in the location of any telephone, telegraph, electric light or other poles, sign-boards, fences, gasoline tanks and pumps, gas, water, sewerage, oil or other pipe lines, or other similar construction, or obstructions

from the right of way or rights of ways of the roads or highways constituting or embraced in the state primary road system upon the failure of the owners thereof to remove or change same at their own expense to conform to the order of the state highway engineer, and commission, within the time stated in the notice above, then the state engineer or his representative shall proceed to cause such obstruction or obstructions to be removed, the expense thereby incurred to be paid out of any money levied, collected and available therefor, and an equal amount shall be charged against the owner, company, person, firm or corporation concerned and levied and collected and paid into the state treasury as now provided by law.

The failure of any person firm or corporation to obtain the permit provided for herein before placing any obstruction of any kind, including poles, wires, sign-boards, fences, gas, water, sewerage, oil or other pipe lines on the rights-of-way or under any roads or highway or portion of rights-of-ways embraced in the state highway primary road system; or the failure of any such person, firm or corporation to remove any of the obstructions herein named, when given the notice provided for herein, shall constitute a misdemeanor, punishable by a fine of not less than ten or more than one hundred dollars; each day the delinquency, either as to obtaining permit or failure to remove obstruction, continues, to constitute a separate offense.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the pasage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. J. Meyers
Wm. J. Arvin	James M. Durham	J. S. Milliken
W. O. Bach	J. O. Evans	T. R. Moore
J. H. Baughman	D. W. Fowler	B. T. Morris
T. H. Benton	R. E. Glenn	L. P. Murphy
Shaler Berry	F. A. Gnau	J. L. McDavid
C. H. Berryman	Whitsett Hall	W. J. McGill
W. P. Bowman	C. W. Hawkins	Caleb Page
D. F. Brown	Goebel B. Henson	Smith Park
Geo. A. Brown	S. K. Holland	Jas. J. Peters
F. W. Bryant	Ira L. Horne	Geo. W. Potter
J. R. Buckman	E. M. Johnson	W. H. Pryor
W. G. Buckner	Grover C. Johnson	H. A. Pulliam
S. J. Bunger	W. W. Johnson	Philip J. Ryan
Lee Clark	D. C. Jones	C. W. Ryans
Lonnie Cooper	Mrs. H. G. Jorris	W. R. Smith
Fred H. Coots	W. O. Keller	Frank L. Strange
J. S. Cruse	Oscar Leibson	J. L. Valandingham
J. L. Cushing	J. L. Manning	C. D. Vincent
C. L. Daly	Shelby Martin	W. S. Wallen
J. R. Dorman	A. M. Mercer	T. B. Watts

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Those who voted in the negative were—

W. B. Ardery	Mormon B. Daniel	Clint Raymer
W. A. Carson	Lawrence Harmon	Mac Swinford

—6

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed by reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 192. An Act to amend and re-enact subsection 2 of 552 of the Civil Code of Practice, relating to the mode of taking testimony.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection 2 of section 552 of the Civil Code of Practice, be amended by striking out the word "must" and inserting in lieu thereof the word "shall" and adding thereto the following words:

"And provided further that the court may in any equitable action before the proof has been taken order that the evidence be heard by the judge in the same manner as testimony is introduced in ordinary actions, in which event the parties may have the evidence taken and transcribed as in ordinary actions," so that said subsection when amended will read as follows:

"2. In What Cases Depositions Must Be Used—Exhibits. Subject to the provisions of section 108, upon any issue of fact which arises upon the pleadings in an equitable action, unless such issue be transferred pursuant to title II, or upon the pleadings in an ordinary action, if such issue be transferred pursuant to said title, proof shall be made by depositions or exhibits: Provided, that the genuineness of exhibits may be proved orally in court, as heretofore allowed by law, and that the court may require oral testimony upon a trial by jury, and provided further, that the court may in any equitable action before the proof has been taken order that the evidence be heard by the judge in the same manner as testimony is introduced in ordinary actions, in which event the parties may have the evidence taken and transcribed as in ordinary actions."

§ 2. All acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	J. S. Milliken
Wm. J. Arvin	Otto C. Gartin	T. R. Moore
W. O. Bach	R. E. Glenn	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
C. H. Berryman	Lawrence Harmon	Caleb Page
D. F. Brown	C. W. Hawkins	Smith Park
Geo. A. Brown	Goebel B. Henson	Jas. J. Peters
J. R. Buckman	Ira L. Horne	Geo. W. Potter
W. G. Buckner	E. M. Johnson	W. H. Pryor
S. J. Bunger	Grover C. Johnson	H. A. Pulliam
W. A. Carson	W. W. Johnson	Clint Raymer
Lee Clark	D. C. Jones	R. R. Rogers
Lonnie Cooper	W. O. Keller	C. W. Ryans
J. D. Cox	J. R. Kelly	Chas. L. Seale
J. S. Cruse	W. W. Leslie	M. G. Slusher
W. J. Curtis	T. B. Lewis	W. R. Smith
J. L. Cushing	J. L. Manning	E. J. Snyder
C. L. Daly	Shelby Martin	Frank L. Strange
Mormon B. Daniel	A. M. Mercer	C. D. Vincent
J. R. Dorman	H. J. Meyers	W. S. Wallen
D. E. Edwards	H. H. Miller	T. B. Watts

—63

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 131. An Act defining spite fences, providing a penalty for same, providing that a court of equity may enjoin such fences and excepting from the provisions of this act bill boards or fences used for advertising purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definition: A spite fance is hereby defined to be a fence or structure, whether a division fence or otherwise, and over five feet in height, erected maliciously by an owner or lessee and intended to injure, spite or annoy an adjoining owner.

§ 2. Any person who erects, or maintains such a fence shall be guilty of a misdemeanor and shall upon conviction be fined, not less than five dollars nor more than ten dollars for such offense and for each day the said fence is maintained it shall constitute a separate offense.

§ 3. A court of equity may enjoin or restrain the erection or maintenance of such fence.

§ 4. Nothing in this act shall be construed to interfere with the erection or maintenance of bill boards or fences used for advertising purposes.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Mormon B. Daniel	H. J. Meyers
Wm. J. Arvin	D. W. Fowler	J. S. Milliken
W. O. Bach	R. E. Glenn	Chas. N. McCarty
J. H. Baughman	F. A. Gnau	J. L. McDavid
C. H. Berryman	J. F. Harrison	W. J. McGill
W. P. Bowman	C. W. Hawkins	Smith Park
D. F. Brown	J. M. Hayse	Geo. W. Potter
Geo. A. Brown	Goebel B. Henson	R. R. Rogers
J. R. Buckman	Ira L. Horne	Philip J. Ryan
W. G. Buckner	E. M. Johnson	C. W. Ryans
S. J. Bunger	Grover C. Johnson	M. G. Slusher
Lee Clark	W. W. Johnson	W. R. Smith
Lonnie Cooper	D. C. Jones	E. J. Snyder
Fred H. Coots	J. R. Kelly	Frank L. Strange
J. D. Cox	Leon P. Lewis	C. D. Vincent
W. J. Curtis	J. L. Manning	W. S. Wallen
J. L. Cushing	Shelby Martin	T. B. Watts
C. L. Daly	A. M. Mercer	—53

There voted in the negative—

Mac Swinford —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 177. An Act creating a board of trustees for West Kentucky Industrial College, repealing chapter 18 of the Acts of the General Assembly of 1918 and chapter 100 of Acts of

General Assembly of 1922, and section 489, 490 and 491 of S. B. 28 in the present session of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 18 of the Acts of the General Assembly of 1918 and chapter 100 of the Acts of the General Assembly of 1922 and sections 489, 490 and 491 of Senate Bill No. 28 in the present session of the General Assembly be repealed, and that the following be enacted in lieu thereof:

§ 1. Board of Trustees—Appointment and Term of Members.—The West Kentucky Industrial College shall hereafter be under the control and supervision of a board of trustees composed of the Superintendent of Public Instruction, who shall be ex-officio chairman of the board, and four intelligent and discreet citizens of this Commonwealth appointed by the Governor, which board is hereby constituted a body corporate, with power to sue and be sued, plead and be impleaded, purchase and sell and hold real and personal property in the name of the Commonwealth of Kentucky for use and benefit of said college, and to condemn real estate in the manner provided by law for condemnation of land for railroad purposes, said board to be designated as "The Board of Trustees of West Kentucky Industrial College." The terms of office of the members appointed by the Governor shall end on the first day of July next following regular sessions of the General Assembly, the terms of two members ending every two years; but the two members whose terms end at the same time shall not belong to the same political party. Appointment of members to this board shall be made in accordance herewith, provided that the terms of appointed members in office when this act goes into effect shall continue for the full terms for which they were appointed. The Governor is authorized to remove members for cause, and to fill irregular vacancies by appointment for remainder of unexpired term.

§ 2. Organization—Meetings—Expense of Members.—In the month of July next following the regular appointment of members, the Board of Trustees of West Kentucky Industrial College shall have its biennial organization meeting, when it shall elect a secretary to serve for a term of two years and until his successor is elected, and may elect one of its members vice chairman to preside at any meeting in the absence of the chairman. Regular meeting shall be held quarterly at such times as the board may determine, and on written request of two members the chairman may call a special meeting for transaction of only such business as may be specified in calling the meeting. All meetings shall be held at the college except as the board may otherwise provide. Members shall receive no salary for services as members, appointees or employees of the board, or be interested financially in any contract or business transaction with it, but they shall receive return from its treasury for all legitimate and necessary expenses actually incurred in attending its meetings.

§ 3. General Powers.—The board of trustees shall have general control and management of the college and shall have power to appoint a president, teachers and other employees for the college and to prescribe their duties and fix their salaries and terms, but the term of no employee or appointee of the board shall be for more than one year after expiration of term of any members incumbent when such appointments are made. It shall have power to adopt and enforce rules and regulations for the guidance of its employees and students. It may require of officers and teachers such reports as it may deem necessary; may dismiss any of its employees for immorality, insubordination or neglect of duty after opportunity for defense against charges preferred; and may invest the faculty with power to dismiss or suspend pupils for misconduct or inefficiency, subject to right of appeal to the board of trustees. It shall not incur obligations or indebtedness in any school year in excess of its assured income for such year.

§ 4. Quorum.—A majority of the members of the board shall constitute a quorum for the transaction of business; but no appropriation of money or contract providing for the expenditure of money shall be made, nor shall any teacher or other employee be employed or dismissed, unless a majority of the members of the board vote for same.

§ 5. Purpose—Courses—Diplomas. It shall be the purpose of the West Kentucky Industrial College to train teachers for colored schools and to give industrial collegiate training to young men and women of the negro race. The board of trustees shall prescribe the courses of instruction to be given, and shall issue diplomas of graduation to students completing such courses of junior college rank. Students completing such courses in the teacher training department shall be given diplomas, and shall also receive teachers' certificates according to law without further examination. The courses offered in this institution shall be open to colored young men and women resident in this Commonwealth on such condtiions as the board of trustees may prescribe and without the payment of tuition fees, and shall be open to non-residents of this Commonwealth on payment of such tuition fees as the board may prescribe.

§ 6. Secretary.—The secretary of the board shall preserve its records and papers; shall keep a journal of its proceedings, in which at the request of any member of the board the yeas and nays on any vote shall be entered; shall perform such other secretarial duties as the board may direct; and shall receive compensation prescribed by the board.

§ 7. Treasurer.—The board of trustees shall appoint a treasurer, fix his compensation, determine the amount of his bond to the Commonwealth at not less than ten thousand dollars for the security of funds in his custody and faithful performance of duty, approve same, and keep it on file with the secretary of the board. He shall keep in safe custody all funds, securities, deeds and insurance policies belonging to the board of trustees, holding them subject to its order, and

shall pay out the funds only on its order legally made. He shall make to the board at the close of each quarter an itemized and classified report of its receipts, disbursements and balances for the quarter, and at the close of the school year a similar report for the year closed, such report to be made in duplicate including one copy for the Superintendent of Public Instruction.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. L. Daly	H. J. Meyers
W. B. Ardery	Mormon B. Daniel	T. R. Moore
Wm. J. Arvin	E. J. Doss	B. T. Morris
W. O. Bach	James M. Durham	L. P. Murphy
A. J. Baldridge	J. O. Evans	J. L. McDavid
W. B. Belknap	D. W. Fowler	W. J. McGill
T. H. Benton	Otto C. Gartin	Caleb Page
Shaler Berry	F. A. Gnau	Smith Park
C. H. Berryman	Lawrence Harmon	Jas. J. Peters
W. P. Bowman	J. F. Harrison	Geo. W. Potter
D. F. Brown	C. W. Hawkins	W. H. Pryor
Geo. A. Brown	J. M. Hayse	H. A. Pulliam
F. W. Bryant	Goebel B. Henson	Philip J. Ryan
J. R. Buckman	H. M. Holbrook	Chas. L. Seale
W. G. Buckner	H. B. Holland	E. J. Snyder
S. J. Bunger	E. M. Johnson	Frank L. Strange
W. A. Carson	Grover C. Johnson	C. D. Vincent
Lee Clark	Mrs. H. G. Jorris	W. S. Wallen
Lonnie Cooper	W. W. Leslie	T. B. Watts
J. D. Cox	Leon P. Lewis	
W. J. Curtis	Shelby Martin	—62

Those who voted in the negative were—

D. E. Edwards R. E. Glenn —2

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 166. An Act for the protection of homing and carrier pigeons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to shoot, trap or in any way injure a homing or carrier pigeon whether in flight or at rest. Any person or persons violating this act upon conviction shall be fined not less than ten ($10.00) or more than twenty-five ($25.00) or be imprisoned for a term of not less than ten or more than sixty days.

§ 2. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	T. R. Moore
W. B. Ardery	Otto C. Gartin	B. T. Morris
Wm. J. Arvin	R. E. Glenn	L. P. Murphy
W. O. Bach	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Lawrence Harmon	J. L. McDavid
Shaler Berry	J. F. Harrison	W. J. McGill
C. H. Berryman	C. W. Hawkins	Smith Park
W. P. Bowman	J. M. Hayse	Jas. J. Peters
D. F. Brown	Goebel B. Henson	Geo. W. Potter
Geo. A. Brown	H. M. Holbrook	W. H. Pryor
F. W. Bryant	S. K. Holland	H. A. Pulliam
J R. Buckman	Ira L. Horne	Clint Raymer
W. G. Buckner	E. M. Johnson	R. R. Rogers
S. J. Bunger	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	Chas. L. Seale
Fred H. Coots	Mrs. H. G. Jorris	M. G. Slusher
J. D. Cox	J. R. Kelly	W. R. Smith
J. L. Cushing	W. W. Leslie	E. J. Snyder
C. L. Daly	Leon P. Lewis	Frank L. Strange
Mormon B. Daniel	J. L. Manning	C. D. Vincent
D. E. Edwards	H. J. Meyers	W. S. Wallen
J. O. Evans	J. S. Milliken	T. B. Watts

—69

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 184. An Act providing for the right of condemnation by memorial, historical, professional associations for the purpose of obtaining title to real or personal property in the Commonwealth of Kentucky for memorial purposes, and prescribing method of such proceedings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any organization formed and existing for the purpose of commemorating the life or deeds of any person, or the occurrence of any event, or any historical or professional association, shall be desirous of purchasing any real estate or personal property within the Commonwealth of Kentucky for the purpose of converting and maintaining same as a public memorial, and in the event that said association shall be unable to contract with the owner of any such property for its use for said purpose, then the said organization shall have the right and privilege of obtaining same for memorial purposes only by condemnation proceedings.

In the event such condemnation proceedings have to be envoked in order to obtain title to such property, the same shall be conducted in the same manner as provided in Sections 835 to 840 inclusive of the Kentucky Statutes for the condemnation of land by railroad companies.

All laws or parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. L. Cushing	A. M. Mercer
W. B. Ardery	C. L. Daly	H. J. Meyers
Wm. J. Arvin	Marmon B. Daniel	J. S. Milliken
W. O. Bach	J. R. Dorman	T. R. Moore
W. B. Belknap	D. E. Edwards	B. T. Morris
T. H. Benton	J. O. Evans	L. P. Murphy
Shaler Berry	D. W. Fowler	Smith Park
C. H. Berryman	F. A. Gnau	Jas. J. Peters
W. P. Bowman	C. W. Hawkins	Geo. W. Potter
D. F. Brown	J. M. Hayse	W. H. Pryor
Geo. A. Brown	Goebel B. Henson	R. R. Rogers
F. W. Bryant	H. M. Holbrook	Philip J. Ryan
J. R. Buckman	S. K. Holland	C. W. Ryans
W. G. Buckner	E. M. Johnson	M. G. Slusher
S. J. Bunger	Grover C. Johnson	E. J. Snyder
Lee Clark	W. W. Johnson	Frank L. Strange
Lonnie Cooper	D. C. Jones	Chiles Van Antwerp
Fred H. Coots	W. W. Leslie	C. D. Vincent
J. D. Cox	Leon P. Lewis	W. S. Wallen
W. J. Curtis	J. L. Manning	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 229. An Act to amend and re-enact sub-sections 7 and 8 of Chapter 106 of the Acts of the General Assembly of 1924 being an Act entitled "An Act relating to public health: amending, revising and re-enacting Chapter 111 of the Acts of the General Assembly of 1912; being Section 4711b of

the Kentucky Statutes, Carroll's 1915 edition; and also amending, revising and re-enacting Section 4 of Chapter 65 of the Acts of the General Assembly of 1918, being an Act entitled, 'An Act relating to public health, repealing, amending and re-enacting Sections 2054, 2059, 2060 and 2061 of the Kentucky Statutes, Carroll's edition of 1915, relating to the State Board of Health, creating bureaus within said board to perform the functions of the existing State Tuberculosis Commission, the Hotel Inspector, the Pure Food and Drug Division of the Agricultural Experiment Station, and for other purposes, creating county and district departments of health and providing and limiting appropriations of the State Board of Health and further defining its powers and duties;' and providing State aid for the acquisition, construction, equipment, operation and maintenance of tuberculosis district sanatoria in this Commonwealth, and in making improvements, betterments and additions thereto; and repealing all laws in conflict."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 7 of Section 1 of Chapter 106 of the Acts of the General Assembly of 1924 be amended and re-enacted so that said subsection, as amended, will read as follows:

(7) Upon the creation of a tuberculosis district, the fiscal court of the county or fiscal courts of the several counties, where there are several counties in such district, shall at once notify the State Board of Health of the establishment of such district, and thereupon, it shall be the duty of the State Board of Health to recommend to the county judge, or if more than one county, to the county judge of each county the appointment of suitable persons for such district board of trustees. In a district of one county the county judge shall appoint as members of the district board of trustees, seven persons, men

and women, at least one of whom shall be a registered physician. Where the district consists of several counties, the district board of trustees shall consist of not less than two nor more than four persons from each county; provided, however, that no board shall consist of less than seven persons. Wherein a county in such distrcit shall have a population in excess of tweny thousand, such county shall be allowed a trustee for each ten thousand in excess of said twenty thousand population, subject, however, to the limitation hereinbefore set down. Said trustees shall consist of men and women and at least one shall be a registered physician. The State Board of Health in recommending names to the county judge or county for such appointments, shall recommend twice as many names for each county as the county shall be entitled to have trustees appointed, out of which names the county judges of each county shall immediately make his selection for that county. Where a county or counties shall have joined an already established district the state Board of Health shall then recommend to the county judge of each county included in the new district double the number of names of persons eligible to the district board as there are trustees to be appointed by such judge, and from such list the county judge shall select the trustees for his county. The trustees chosen shall, with additional members as are hereinafter provided for in case the district contains a city or cities of the second class, and with additional members hereafter provided for in case of a gift, grant or devise of the value of $10,000.00, or more, to said district, constitute the district board, which shall control and manage the sanatorium therein. The qualifications and length of term of said trustees and other details regarding said trustees shall be as provided in this section and other sections of this act. The terms of the trustees of the counties composing the previously existing district shall expire immediately upon the organization of the new board.

Provided, however, that in any tuberculosis district containing a city of the second class two persons shall be ap-

pointed trustees on the tuberculosis district board by the mayor of that city and that in a tuberculosis district containing more than one city of the second class one person shall be appointed trustee on the tuberculosis district board by the mayor of each city, and provided, further, that each mayor shall appoint the trustee or trustees from a list submitted by the State Board of Health and containing the names of twice as many persons as such mayor shall appoint. The number of trustees appointed by said mayor or mayors shall be in addition to the number allotted for appointment by the county judge in any county containing a city or cities of the second class. The trustees appointed by said mayor or mayors shall be appointed and hold office for a term of four years, and until their respective successors are appointed and qualified. Any vacancy occurring in the trustees appointed by said mayor or mayors shall be filled for the unexpired term by the mayor or mayors who appointed the trustees whose office became vacant, by appointment on recommendation of the State Board of Health of two names from the county in which such vacancy occurs.

Provided further, however, whenever any tuberculosis sanatorium district heretofore or hereafter organized under the provisions of this act, shall have received or may hereafter receive, any gift, grant or devise of money or property of the value of $100,000.00, or more, on the condition, agreement or understanding that the maker of such gift, grant or devise, or any person, or persons, designated by him, or her, shall have the right to nominate or designate not exceeding two additional members of the board of trustees of such tuberculosis sanatorium district, said district board of tuberculosis sanatorium trustees may, by resolution, increase the number of trustees composing said board by one or two members, as the case may be, over the number otherwise provided by this act. Said additional trustees shall be appointed by the county judge, or if the district is composed of more than one county, by the county judge of the county wherein the sanatorium of

such district is located, or proposed to be located; and it shall be the duty of such county judge to appoint as such trustee, or trustees, the person, or persons, nominated or designated by the maker of such gift, grant or devise, or by the person, or persons, designated by him, or her. In the event of one additional trustee, he or she shall be appointed to hold office until the next expiration of office in said board thereafter occurring; and if two additional trustees are to be appointed, one shall be appointed to hold office until the next expiration of office in said board thereafter occurring, and the other until the second expiration of office in said board thereafter occurring. Thereafter, as their terms expire, their successors shall be appointed in the same manner, but for a term of four years each. Said additional trustees shall hold office until their successors are appointed and qualified. Any vacancy occurring in said additional trustees shall be filled for the unexpired term by the said county judge by appointment on the nomination or designation of the maker of such gift, grant or devise, or by the person, or persons, designated by him or her.

§ 2. That Sub-section 8 of Section 1 of Chapter 106 of the Acts of the General Assembly of 1924 be amended and re-enacted so that said subsection, as amended, will read as follows:

(8) The government of such district sanatorium shall be vested in the board of trustees heretofore provided for, and the terms of office of said persons first appointed by the county judge or county judges on the recommendation of the State Board of Health, as heretofore provided for, shall be as follows: One-third of said number for a term of two years, one-third for a term of three years, and one-third for a term of four years, and where the board shall consist of seven or such number as cannot be divided by three, the number in excess of one-third of the next even number into which said board can be divided shall be appointed for a term of four years. Thus, where there are seven trustees, two for two

years, two for three years and three for four years. Thereafter, as their terms expire, their successors shall be recommended and appointed in the same manner, but for term of four years each. Such trustees shall hold office until their respective successors are appointed and qualified. Any vacancy occurring in said board in the terms of office of trustees appointed by a county judge, or county judges, on the recommendation of the State Board of Health shall be filled for the unexpired term by the county judge of such county by appointment on recommendation of the State Board of Health of two names from the county in which such vacancy occurs.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	S. K. Holland
W. B. Ardery	J. D. Cox	Ira L. Horne
Wm. J. Arvin	J. L. Cushing	E. M. Johnson
W. O. Bach	C. L. Daly	Grover C. Johnson
T. H. Benton	Mormon B. Daniel	W. W. Johnson
W. P. Bowman	E. J. Doss	D. C. Jones
D. F. Brown	James M. Durham	Mrs. H. G. Jorris
Geo. A. Brown	D. W. Fowler	W. W. Leslie
F. W. Bryant	R. E. Glenn	Leon P. Lewis
J. R. Buckman	Whitsett Hall	J. L. Manning
W. G. Buckner	Lawrence Harmon	Shelby Martin
S. J. Bunger	J. F. Harrison	A. M. Mercer
W. A. Carson	C. W. Hawkins	H. J. Meyers
Lee Clark	J. M. Hayse	H. H. Miller
Lonnie Cooper	Goebel B. Henson	J. S. Milliken

T. R. Moore	Smith Park	E. J. Snyder
B. T. Morris	Geo. W. Potter	Mac Swinford
L. P. Murphy	W. H. Pryor	J. L. Valandingham
J. L. McDavid	R. R. Rogers	Chiles Van Antwerp
W. J. McGill	Philip J. Ryan	C. D. Vincent
F. T. Nichols	C. W. Ryans	W. S. Wallen
Caleb Page	W. R. Smith	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 244. An Act to repeal chapter 96 of the Acts of the General Assembly of 1920, entitled, "An Act to amend section 4 of chapter 118 of the Session Acts of 1918, entitled, 'An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a studhorse, jack or bull in this Commonwealth, fixing the date of the expiration of licenses provided for, and providing the manner of registering and recording the breed, name, age, color, sire and dam of the animal to be licensed and fixing a fee for such registration, and fixing penalties for failure to provide licenses,' and to amend chapter 118 of the Acts of the General Assembly of 1918, entitled, 'An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a studhorse, jack or bull in this Commonwealth, and fixing the amount of said license, fixing the date of the expiration of the license provided for, and providing the manner for the registering and recording the breed, name, age, color, sire and dam of the ani-

mal to be licensed, and fixing a fee for such registration, and fixing penalties for failure to procure licenses,' '' so as to provide that any unexpended balance after deducting the cost of administration of this law shall be credited to the premium fund of the Kentucky State Fair, and to re-enact as amended the said chapter 118 of the Acts of the General Assembly of 1918.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 96 of the Acts of the General Assembly of 1920, entitled: "An Act to amend section 4 of chapter 118 of the Session Acts of 1918, entitled, 'An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a studhorse, jack or bull in this Commonwealth, fixing the date of the expiration of licenses provided for and providing the manner of registration and recording the breed, name, age, color, sire and dam of the animal to be licensed and fixing a fee for such registration, and fixing penalties for failure to provide licenses,' " be and the same is hereby repealed.

§ 2. That chapter 118 of the Acts of the General Assembly of 1918, entitled: "An Act to prescribe and provide a license tax upon all persons, firms or corporations standing a studhorse, jack or bull in this Commonwealth, and fixing the amount of said license, fixing the date of the expiration of the license provided for, and providing the manner for the registering and recording of the breed, name, age, color, sire and dam of the animal to be licensed, and fixing a fee for such registration, and fixing penalties for failure to procure licenses," be and the same is hereby amended by striking from said act section 4 thereof, and inserting in lieu of said section 4 the following sections:

"4. Any unexpended balance, after deducting the cost of administration of this law, shall at the end of each fiscal

year beginning with and including the fiscal year ending June 30, 1926, be placed to the credit of the premium fund of the Kentucky State Fair, to be offered as premiums for pure bred live stock.

"5. All laws and parts of laws in conflict with this act are hereby repealed,"

So that when said chapter 118 of the Acts of 1918 is amended and re-enacted the same will read as follows:

1. Every person, firm or corporation who shall stand a studhorse, jack or bull in this Commonwealth, shall pay as a license tax to the Commonwealth of Kentucky, for the privilege of standing said studhorse, jack or bull, a sum equal to twenty per cent (20%) of the greatest sum charged for services of the animal stood, whether the same be for a season or to insure a get; provided, however, that the minimum license for any studhorse shall be ten ($10.00), and the minimum license for any jack shall be ten dollars ($10.00), and the minimum license for any bull shall be one dollar ($1.00). And in addition to said license, each person applying for the license shall pay the Commissioner of Agriculture of this Commonwealth, the sum of one dollar ($1.00) as a registration fee, said one dollar ($1.00) to be paid to the county court clerk at the time of the issual of any license for a studhorse, jack or bull.

The applicant for such license shall state on oath the largest amount he intends to charge, directly or indirectly, for the services of the animal, and if in property or other things, the value thereof, and said license shall be procured before any service of any such animal is rendered.

§ 2. The Commissioner of Agriculture shall provide proper blanks upon which shall be recorded the breed, name, age, color, sire and dam, together with the name and post office address of the owner of the animal licensed under section 1 of this act, together with a statement as to whether or not the animal is registered in any stud book, naming volume and page in which said registry is contained, if any.

§ 3. Any person, firm or corporation who shall stand a studhorse, jack or bull before procuring the license required by this act shall be fined not less than five dollars ($5.00) nor more than five hundred dollars ($500.00), and each service shall constitute a separate offense.

§ 4. Any unexpended balance, after deducting the cost of administration of this law, shall at the end of each fiscal year beginning with and including the fiscal year ending June 30, 1926, be placed to the credit of the premium fund of the Kentucky State Fair, to be offered as premiums for pure bred live stock.

§ 5. All laws and parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	C. B. Carver	James M. Durham
W. B. Ardery	Lee Clark	D. E. Edwards
Wm. J. Arvin	W. E. Clark	J. O. Evans
W. O. Bach	Lonnie Cooper	D. W. Fowler
T. H. Benton	Fred H. Coots	R. E. Glenn
Shaler Berry	J. D. Cox	F. A. Gnau
C. H. Berryman	J. S. Cruse	Lawrence Harmon
W. P. Bowman	W. J. Curtis	J. M. Hayse
D. F. Brown	J. L. Cushing	Goebel B. Henson
Geo. A. Brown	C. L. Daly	H. M. Holbrook
J. R. Buckman	Marmon B. Daniel	H. B. Holland
W. G. Buckner	J. R. Dorman	S. K. Holland
S. J. Bunger	E. J. Doss	J. C. Hutcherson

E. M. Johnson	T. R. Moore	R. R. Rogers
Grover C. Johnson	B. T. Morris	Philip J. Ryan
W. W. Johnson	L. P. Murphy	C. W. Ryans
D. C. Jones	Chas. N. McCarty	Chas. L. Seale
Mrs. H. G. Jorris	J. L. McDavid	M. G. Slusher
W. O. Keller	W. J. McGill	W. R. Smith
J. R. Kelly	F. T. Nichols	Frank L. Strange
Oscar Leibson	Caleb Page	J. G. Swearengin
W. W. Leslie	Smith Park	Mac Swinford
J. L. Manning	Jas. J. Peters	J. L. Valandingham
Shelby Martin	Geo. W. Potter	Chiles Van Antwerp
A. M. Mercer	W. H. Pryor	C. D. Vincent
H. J. Meyers	H. A. Pulliam	W. S. Wallen
J. S. Milliken	Clint Raymer	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 227. An Act to repeal and re-enact sec. 3104 of Carroll's Kentucky Statutes, 1915 Edition, relating to the net revenues derived by any city of the second class from its waterworks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3104 of Kentucky Statutes, Carroll's 1915 Edition, be repealed and re-enacted and when so repealed and re-enacted shall read as follows:

The net revenue derived by any city of the second class from its waterworks shall be applied to the reimprovement or reconstruction of the streets and other public ways of the city or to the extension of the waterworks system or to the payment of interest or principal on the waterworks bonds of said city.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	H. J. Meyers
Wm. J. Arvin	D. W. Fowler	J. S. Milliken
J. H. Baughman	Otto C. Gartin	T. R. Moore
T. H. Benton	R. E. Glenn	Chas. N. McCarty
Shaler Berry	F. A. Gnau	Smith Park
C. H. Berryman	Lawrence Harmon	Geo. W. Potter
D. F. Brown	J. F. Harrison	W. H. Pryor
Geo. A. Brown	C. W. Hawkins	Clint Raymer
J. R. Buckman	Goebel B. Henson	C. W. Ryans
S. J. Bunger	S. K. Holland	Chas. L. Seale
Lee Clark	Ira L. Horne	M. G. Slusher
W. E. Clark	Grover C. Johnson	W. R. Smith
Lonnie Cooper	W. W. Johnson	E. J. Snyder
J. D. Cox	D. C. Jones	Frank L. Strange
C. L. Daly	W. O. Keller	C. D. Vincent
J. R. Dorman	J. R. Kelly	W. S. Wallen
James M. Durham	Leon P. Lewis	T. B. Watts
D. E. Edwards	Shelby Martin	

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There voted in the negative—

R. R. Rogers —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 228. An Act to establish a State Trade and Training School for negroes in the section of Kentucky known as Normal District No. 2; to create a Board of Regents for the general management thereof, which shall determine the requirements for admission and graduation and the course of study for said school; to create a commission which shall determine the location of said school; and to appropriate funds for its maintenance.

Whereas, That district of Kentucky, known and designated as "Normal School District No. 2," contains a negro population of 165,515; and,

Whereas, This negro population controls and operates 284,880 acres of farm land valued at $7,639,487; and,

Whereas, There is no school in this section of the state where negroes may receive Agricultural and Mechanical training; and other useful trades and training.

Whereas, the cost of transporting students from this section of Kentucky to other Normal Schools of the State is so great that a large majority of negro boys and girls are unable to attend school and receive the training necessary to make them useful citizens; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be established and maintained as hereinafter provided a State Trade and Training School for Negroes of "Normal District No. 2" as follows: The State and Training School for Negroes, to be located in "Normal District No. 2," the district of the state set apart in the Acts of 1906 establishing the Western Normal School at Bowling Green, Kentucky.

§ 2. The Governor of the state shall within thirty days after this Act becomes a law appoint a commission composed of five persons, one selected from the state at large, but no two persons from the same county, who shall, within thirty days after their appointment, meet at Frankfort, Kentucky, on a date fixed by the Governor, and organize and arrange to receive from localities in said "Normal District No. 2," desiring to secure location of said school not to be established in said Congressional district where a State Normal School for colored persons is already established, proposals and donations of suitable sites and other valuable considerations, and shall, within ninety days after their appointment, locate said school in "Normal District No. 2," at the place making the most advantageous offer, all things considered. All proposals for sites and locations for the school shall be in writing, and shall be entered at large on the records of the commission, and the findings of the commission, fixing the location of the school, shall be in writing and entered at large on the records of said commission.

§ 3. The object of the state trade and training school for negroes shall be to train negro boys and girls in the elementary branches, agriculture, mechanic arts, practical mining, carpentry, black smithing, shoemaking, modern housekeeping, plastering, brick masonry, dressmaking, designing and domestic science.

§ 4. There is hereby created a board of regents for said state trade and training school, to be known as "The Board of Regents for the State Trade and Training School for Negroes." The said board shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal, with power to alter the same; to adopt by-laws, rules and regulations for the government of their members, official agents and employes: provided, such by-laws do not conflict with the Constitution of the United States or with the Constitution of the State of Kentucky.

§ 5. The board of regents for said school shall be composed of five members, including the State Superintendent of Public Instruction, who shall be member and chairman of said board, and shall include the president of said school, who shall be member ex-offiicio of said board. The other three members of said board shall be appointed by the Governor of the state from said "Normal District No. 2" at large. Provided, that no more than one member of said board shall be appointed by the Governor shall begin on the first day of July, one thousand nine hundred and twenty-six, and one member thereof shall retire, as may be determined by lot, at the end of one year thereafter; one in two years, and the other in three years; they shall be subject to removal by the Governor for cause, and he is authorized to fill all vacancies occurring by death, resignation or otherwise.

§ 6. The said board of regents shall hold its first meeting within thirty days after its appointment, the time and place of meeting to be designated by the Superintendent of Public Instruction who shall administer the oath of office to each member. At this meeting the board shall appoint a secretary, treasurer, and such other officers as it deems necessary. The board shall not appoint one of its own members

as treasurer, and the compensation for the treasurer shall not exceed one hundred dollars per annum. The treasurer shall give bond such as the board shall prescribe.

§ 7. The board of regents shall hold its regular meetings at such time and place as may be agreed upon and, until the buildings are arranged for and completed, and as much oftener as may be necessary, but thereafter the regular meetings of the board shall be held quarterly and at the said school or office of the State Superintendent of Public Instruction, as the board deems most expedient for the good of the school. In the absence of a regular meeting of the board, the board may appoint one or more of its members to act in its stead in matters which the board shall name as expedient. Such business as is transacted in the absence of a regular meeting of the board shall not be considered final until passed on in a regular meeting of the board.

§ 8. A majority of the members of the said board shall constitute a quorum for the transaction of business, but no appropriation of money, or any contract which shall require any appropriation or disbursement of money, shall be made, unless a majority of all the members of the board shall vote for the same.

§ 9. The board of regents shall have general control and management of said school; shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of the students of any department thereof; shall have power to appoint and dismiss teachers, and shall require such reports from officers and instructors as it deems necessary.

§ 10. The board of regents is authorized to grant from time to time, certificates of proficiency showing the completion of the courses pursued, and whose moral character and disciplinary relations to said school shall be satisfactory. And such students as shall have completed the prescribed course, and exhibited satisfactory evidence of ability to in-

struct shall be entitled to diplomas appropriate to such standing as the board of regents shall confer upon them, which diplomas shall entitle them to teach in any trades and industrial departments in both high and normal schools of the state, and have the same force and entitle the holder to the same privileges as are granted to students who graduate from the other normal schools of the state.

§ 11. No member of the board of regents shall draw any salary for services as such, but shall receive ten cents per mile for every mile necessarily travelled in going to and from meetings of the board, and other legitimate expenses, to be paid out of the contingent fund of the school.

§ 12. The board of regents shall, in a body or in a majority of their members, visit said school and inspect its condition, and they shall make a biennial report to the legislature, setting forth the financial and scholastic condition of said school, making such suggestions as in their opinions would improve the school, and in the years in which the legislature is not in session, they shall make their report to the Governor.

§ 13. It shall be the duty of the treasurer of the board of regents to receive and disburse all moneys under the control of the board of regents and perform all such acts as pertain to his office, under the direction of the Board of Regents and to make a report of the same to the board at its quarterly meetings. On or before the second Monday in January one thousand nine hundred and twenty-seven and every two years thereafter, said treasurer shall also report to the board of regents, to be by it transmitted to the General Assembly, an itemized statement of all receipts and expenditures for the two calendar years preceding, showing minutely all disbursements of moneys received from the state or otherwise.

§ 14. It shall be the duty of the secretary of the board to keep and preserve all records, books and papers belonging

to the board. He shall keep a record of all proceedings of the board and shall execute all duties pertaining to his office.

§ 15. In order to enable the board of regents to carry into effect the provisions of this Act there is hereby appropriated out of the general fund the sum of thirty-five thousand dollars ($35,000.00) conditioned upon a like sum being deposited with the Auditor of Public Accounts by interested citizens of the Commonwealth. Fifteen thousand dollars ($15,000.00) of which shall be an annuity. The entire seventy thousand ($70,000.00) to be appropriated for the following purposes:

Fifteen thousand dollars, ($15,000.00), for a recitation hall.

Fifteen thousand dollars, ($15,000.00), for an industrial building.

Fifteen thousand dollars, ($15,000.00), for a dormitory.

Fifteen thousand dollars, ($15,000.00), annually for current expenses and maintenance .

Ten thousand dollars, ($10,000.00), equipment.

§ 16. The money hereby appropriated for buildings, equipment and maintenance shall be available immediately for said school upon the delivery of a good warranty deed, conveying to the Commonwealth the property to be donated as above provided and its acceptance by the locating commission. The money appropriated under this Act for the buildings, equipment and maintenance of said school shall be disbursed as follows, viz.:

The chairman and secretary of the board of regents shall draw their warrants for the equipment, buildings, and maintenance of said school, provided for in this Act, on the Auditor of Public Accounts, payable to the treasurer of the school, and upon receipt of said draft by the auditor, he shall draw his warrants for the proper amounts upon the treasurer of the state. The money authorized to be paid out of the state treasury under this Act shall be paid out of the general funds not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. F. Harrison	B. T. Morris
W. B. Ardery	C. W. Hawkins	L. P. Murphy
Wm. J. Arvin	J. M. Hayse	Chas. N. McCarty
W. O. Bach	Goebel B. Henson	W. J. McGill
T. H. Benton	H. M. Holbrook	F. T. Nichols
C. H. Berryman	Ira L. Horne	Smith Park
W. P. Bowman	Grover C. Johnson	Geo. W. Potter
D. F. Brown	W. W. Johnson	W. H. Pryor
F. W. Bryant	D. C. Jones	H. A. Pulliam
W. G. Buckner	Mrs. H. G. Jorris	Clint Raymer
Lonnie Cooper	W. O. Keller	R. R. Rogers
Fred H. Coots	J. R. Kelly	Philip J. Ryan
W. J. Curtis	W. W. Leslie	C. W. Ryans
D. E. Edwards	Leon P. Lewis	Chas. L. Seale
J. O. Evans	J. L. Manning	M. G. Slusher
D. W. Fowler	Shelby Martin	E. J. Snyder
Otto C. Gartin	A. M. Mercer	C. D. Vincent
R. E. Glenn	H. J. Meyers	W. S. Wallen
F. A. Gnau	J. S. Milliken	T. B. Watts
Lawrence Harmon	T. R. Moore	

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Those who voted in the negative were—

S. J. Bunger	Mormon B. Daniel	Chiles Van Antwerp

—3

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 218. An Act amending and re-enacting sec. 2982, Kentucky Statutes, Carroll's Edition, 1922, being sec. 197 of the Act approved July 1, 1893, entitled "An Act for the government of cities of the first class," as amended by sec. 2 of the Act approved March 16, 1898, as amended by an Act approved March 23, 1922, and providing for the borrowing by such cities of funds for current fiscal needs and authorizing the Mayor of such cities to execute and deliver promissory notes for the sums so borrowed and the pledging of current taxes and revenues to secure such loans.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2982, Kentucky Statutes, Carroll's Edition of 1922, being Section 197 of the Act approved July 1, 1893, entitled, "An Act for the Government of Cities of the First Class" as amended by Section 2 of the Act approved March 16, 1898, entitled "An Act to amend an Act entitled 'An Act for the government of cities of the first class' approved July 1, 1893,'" as amended by an Act approved March 23, 1922, entitled "An Act amending and re-enacting Section 2982, Kentucky Statutes, Carroll's Edition of 1915 (being Section 197 of the Act approved July 1, 1923, entitled 'An Act for the government of cities of the first class,' as amended by Section 2 of the act approved March 16, 1898, entitled 'An Act to amend an Act entitled 'An Act for the gov-

ernment of cities of the first class,' approved July first, eighteen hundred and ninety-three;) and providing for the borrowing, by such cities, of funds for current fiscal needs, and the pledging of current taxes and revenues to secure such loans,' " be amended by adding thereto after the words "and to this end" the following words:

" * * he shall have the right and authority to execute and deliver on behalf of such city its negotiable promissory note or notes, or other promissory note or notes, as he may determine, in evidence of the obligation of the city so incurred."

That said Section as thus amended be now re-enacted so as to read as follows, to-wit:

Section 2982. In no fiscal year shall the general council appropriate or expend, or contract for the expenditure, of more than ninety-five per cent. of the estimated revenue of the current year, unless more than that shall be actually collected; and if in any year less than ninety-five per cent. of the estimated revenue shall be collected, any deficiency within ninety-five per cent. may be provided for in the levy next year, and shall be called the "deficit tax." Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year, when collected shall be passed by the treasurer to the credit of the same funds for the succeeding year. Any city of the first class is hereby authorized and empowered to borrow, during any fiscal year, and within the limits of the levies and appropriations for such year as may be prescribed by law, such funds as may be needed or required for the operation and conduct of the business of the city, or any of its departments, in any such year, pending the full collection of the taxes and other revenues of the city for such year for such purposes; and such loans shall be repaid out of funds derived from such uncollected taxes and revenues, after their

collection, in the same manner as ordinary claims against the city and its departments are paid. The mayor of such city, is hereby authorized and empowered to procure any such loan, or loans, whenever, in his judgment, same may be needed or required; and, to this end, he shall have the right and authority to execute and deliver on behalf of such city its negotiable promissory note or notes, or other promissory note or notes, as he may determine, in evidence of the obligation of such city so incurred, and he is also authorized and empowered to pledge, for the purpose of securing the same so much as may be necessary, of the city's uncollected taxes and other revenues for such fiscal year; and his acts in the premises shall be in all respects, fully binding upon the city, and upon the taxes and revenues thus pledged. All funds thus borrowed shall be held and applied exactly in the same manner as the funds of the city, raised or derived through the collection of its taxes and revenues for such fiscal year, are required, by law, to be applied. Immediately upon procuring any such loan, the mayor shall report the fact, and the general features thereof, to the treasurer, comptroller, and the general council of such city.

§ 2. All acts, and parts of acts, inconsistent, or in conflict herewith, are hereby repealed.

§ 3. This Act shall take effect and be in force from and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	A. M. Mercer
W. B. Ardery	D. W. Fowler	H. J. Meyers
Wm. J. Arvin	Otto C. Gartin	H. H. Miller
W. O. Bach	R. E. Glenn	J. S. Milliken
W. B. Belknap	F. A. Gnau	T. R. Moore
T. H. Benton	Lawrence Harmon	B. T. Morris
Shaler Berry	C. W. Hawkins	L. P. Murphy
C. H. Berryman	J. M. Hayse	Chas. N. McCarty
W. P. Bowman	Goebel B. Henson	J. L. McDavid
D. F. Brown	H. M. Holbrook	W. J. McGill
Geo. A. Brown	H. B. Holland	F. T. Nichols
F. W. Bryant	S. K. Holland	Geo. W. Potter
J. R. Buckman	Ira L. Horne	W. H. Pryor
W. G. Buckner	E. M. Johnson	Clint Raymer
S. J. Bunger	Grover C. Johnson	C. W. Ryans
Lee Clark	W. W. Johnson	Chas. L. Seale
Lonnie Cooper	D. C. Jones	M. G. Slusher
Fred H. Coots	W. O. Keller	W. R. Smith
J. D. Cox	J. R. Kelly	Frank L. Strange
C. L. Daly	Oscar Leibson	Chiles Van Antwerp
Mormon B. Daniel	W. W. Leslie	C. D. Vincent
J. R. Dorman	Leon P. Lewis	W. S. Wallen
E. J. Doss	J. L. Manning	T. B. Watts
James M. Durham	Shelby Martin	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 283. An Act providing for the enforcement of contribution among wrongdoers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That contribution among wrongdoers may be enforced where the wrong is a mere act of negligence, and involves no moral turpitude.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. R. Dorman	W. W. Leslie
Wm. J. Arvin	E. J. Doss	J. L. Manning
J. H. Baughman	James M. Durham	Shelby Martin
T. H. Benton	J. O. Evans	A. M. Mercer
Shaler Berry	D. W. Fowler	H. J. Meyers
C. H. Berryman	Otto C. Gartin	H. H. Miller
W. P. Bowman	F. A. Gnau	J. S. Milliken
D. F. Brown	Lawrence Harmon	T. R. Moore
Geo. A. Brown	C. W. Hawkins	B. T. Morris
J. R. Buckman	Goebel B. Henson	L. P. Murphy
W. G. Buckner	S. K. Holland	W. J. McGill
S. J. Bunger	Ira L. Horne	F. T. Nichols
W. A. Carson	E. M. Johnson	Caleb Page
Lee Clark	Grover C. Johnson	Smith Park
Fred H. Coots	W. W. Johnson	Geo. W. Potter
J. D. Cox	D. C. Jones	W. H. Pryor
J. S. Cruse	Mrs. H. G. Jorris	R. R. Rogers
J. L. Cushing	W. O. Keller	Philip J. Ryan
C. L. Daly	J. R. Kelly	C. W. Ryans
Mormon B. Daniel	Oscar Leibson	Chas. L. Seale

M. G. Slusher J. L. Valandingham T. B. Watts
W. R. Smith C. D. Vincent
E. J. Snyder W. S. Wallen

—67

There voted in the negative—

W. B. Ardery —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 294. An Act providing for the registration and issual of free license plates for automobiles of rural route carriers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The county court clerk of each county of the state shall, upon the certificate of the Postmaster of the county seat of such county, that the person applying therefor is a regular United States Rural Route Carrier and the owner of an automobile actually and regularly used in the delivery of mail on such route, register such automobile in the manner government automobiles are now registered and issue a registration receipt and license plates therefor and no charge shall be made for the same.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	E. J. Doss	W. W. Leslie
Wm. J. Arvin	J. O. Evans	Leon P. Lewis
W. O. Bach	D. W. Fowler	J. L. Manning
T. H. Benton	Otto C. Gartin	Shelby Martin
Shaler Berry	R. E. Glenn	H. J. Meyers
C. H. Berryman	F. A. Gnau	J. S. Milliken
W. P. Bowman	J. F. Harrison	T. R. Moore
D. F. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	Smith Park
J. R. Buckman	Goebel B. Henson	H. A. Pulliam
W. G. Buckner	H. M. Holbrook	Philip J. Ryan
S. J. Bunger	S. K. Holland	C. W. Ryans
W. A. Carson	E. M. Johnson	W. R. Smith
Lee Clark	Grover C. Johnson	E. J. Snyder
Lonnie Cooper	W. W. Johnson	Frank L. Strange
J. D. Cox	D. C. Jones	J. L. Valandingham
J. S. Cruse	Mrs. H. G. Jorris	C. D. Vincent
C. L. Daly	W. O. Keller	T. B. Watts
Mormon B. Daniel	J. R. Kelly	
J. R. Dorman	Oscar Leibson	—58

Those who voted in the negative were—

Fred H. Coots	B. T. Morris	W. H. Pryor
James M. Durham	J. L. McDavid	R. R. Rogers
Lawrence Harmon	W. J. McGill	Chas. L. Seale
Ira L. Horne	Caleb Page	Mac Swinford
A. M. Mercer	Jas. J. Peters	
H. H. Miller	Geo. W. Potter	—16

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 276. An Act making an appropriation for the purchase of fifteen acres of land adjoining the burial place of President Zachary Taylor, in Jefferson county, Kentucky.

Said bill is as follows, viz.:

Whereas the Commonwealth of Kentucky is the owner in fee simple of a tract of land in Jefferson county, Kentucky, off the Brownsboro road, which is the burial ground of former President Zachary Taylor, former President of the United States, and

Whereas the said burial ground is incomplete and there is required a further purchase of fifteen (15) acres of land to be used in connection with the said burial ground, and

Whereas it is necessary to so purchase the acreage in order that the said burial ground may be made complete, so that when same is free from debts and encumbrances the United States Government will take over said burial ground and keep the same in perpetual care and as a Memorial Park to honor the various soldiers, sailors and marines as well as the hero President Zachary Taylor;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the Treasury of the Commonwealth of Kentucky the sum of twenty thousand ($20,000.00) dollars to be used for the purpose of purchasing fifteen (15) acres of land adjoining the Zachary

Taylor burial ground or memorial ground in Jefferson county, Kentucky, off the Brownsboro road.

§ 2. Whenever it shall appear to the Governor of Kentucky that a deed conveying the fee simple title of the fifteen (15) acres tract adjoining said memorial ground in Jefferson county from its present owners to the State of Kentucky, so that the State of Kentucky shall have a fee simple title unincumbered in all respects throughout, he shall notify the Auditor of Public Accounts of the Commonwealth of Kentucky of that fact and thereupon said Auditor shall draw his warrant on the Treasury of the Commonwealth of Kentucky payable to such grantors of said fifteen (15) acre tract, same to be used as the purchase price.

§ 3. Any portion of said appropriation which may remain unexpended after the completion of the conveyance of said tract of land, as herein provided, shall be returned to the Treasury of the Commonwealth of Kentucky.

§ 4. The Governor is hereby authorized to appoint two reputable citizens and residents of the County of Jefferson as Commissioners for the Commonwealth of Kentucky to convey on behalf of the Commonwealth of Kentucky to the Government of the United States all of the tract of land, which is purchased by this appropriation in fee simple for the use and benefit to the said Government of the United States to be used in conjunction and as a part of the Zachary Taylor burial ground and as a Memorial Park.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	H. J. Meyers
W. B. Ardery	D. W. Fowler	T. R. Moore
Wm. J. Arvin	Otto C. Gartin	L. P. Murphy
W. B. Belknap	F. A. Gnau	Chas. N. McCarty
T. H. Benton	Whitsett Hall	J. L. McDavid
Shaler Berry	Lawrence Harmon	W. J. McGill
C. H. Berryman	C. W. Hawkins	Jas. J. Peters
W. P. Bowman	J. M. Hayse	Geo. W. Potter
D. F. Brown	H. M. Holbrook	H. A. Pulliam
F. W. Bryant	S. K. Holland	Clint Raymer
J. R. Buckman	E. M. Johnson	R. R. Rogers
W. G. Buckner	Grover C. Johnson	Philip J. Ryan
Lee Clark	W. W. Johnson	C. W. Ryans
Lonnie Cooper	D. C. Jones	W. R. Smith
Fred H. Coots	Mrs. H. G. Jorris	Frank L. Strange
J. S. Cruse	W. O. Keller	Mac Swinford
J. L. Cushing	J. R. Kelly	Chiles Van Antwerp
C. L. Daly	W. W. Leslie	C. D. Vincent
Mormon B. Daniel	Leon P. Lewis	W. S. Wallen
J. R. Dorman	J. L. Manning	T. B. Watts
E. J. Doss	Shelby Martin	
James M. Durham	A. M. Mercer	—64

Those who voted in the negative were—

W. O. Bach	R. E. Glenn	Caleb Page
S. J. Bunger	J. F. Harrison	W. H. Pryor
W. A. Carson	Goebel B. Henson	E. J. Snyder
J. D. Cox	Oscar Leibson	
D. E. Edwards	B. T. Morris	—13

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 278. An Act to amend sub-section 3 of section 648A of the Kentucky Statutes, being an Act of March 24, 1906, chapter 144, of the Acts of 1906, as amended by section 3 of chapter 93 of the Acts of 1912, as amended by Chapter 125 of the Acts of 1918.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sub-section 648A, of the Kentucky Statutes, being sub-section 3 of an Act of March 24, 1906, chapter 144 of the Acts of 1906 as amended by an Act of the General Assembly approved by the governor March 15, 1912, being chapter 93 of the Acts of 1912, and as amended by an Act of the General Assembly approved by the governor March 29, 1918, being chapter 125 of the Acts of 1918, be amended by adding at the end of said sub-section 3 of section 648A, the following language:

"But domestic life insurance companies, whether organized before or after the passage of this Act, owning their home office building in the state of Kentucky and renting or sub-letting such space as they do not require for their immediate needs may with the approval of the Insurance Commissioner invest not exceeding one-half of their capital and accumulations, including their policy loans, in such home office building, provided a fair rental value for the space occupied by such company does not exceed a fair rental value of the space rented or sublet by such company, so that no such company shall invest more than one-fourth of its capital and ac-

cumulations, including its policy loans, in such part of its home office building as is actually occupied by it."

So that said sub-section 3 of section 648A of the Kentucky Statutes as hereby amended and re-enacted shall read in full as follows:

"Section 648A-3. What may be deposited; securities; real estate.—The deposit herein required may be in the securities described in section 625 of the Kentucky Statutes, or in satisfactory evidence of the ownership of such unencumbered real estate, as may be lawfully acquired by such company, under section 632 of Kentucky Statutes, which real estate shall not be sold or encumbered unless securities or evidence of ownership of other real estate of equal value as herein described be deposited with the treasurer in lieu thereof. The policyholders shall have a first lien on all said real estate, and when such real estate is withdrawn, sold or encumbered, and other securities of equal value deposited in lieu thereof, the insurance commissioner shall execute a release of the property withdrawn, sold or encumbered, which said release shall be recorded in the office of the county clerk of the county in which the property is located. When real estate is deposited under this section in lieu of other securities, said property shall be taken at sixty per cent of its market value as determined by the insurance commissioner. The lien herein provided for shall apply to all real estate, the evidences to the title to which is deposited as herein provided for. But nothing herein contained shall in any manner be construed so as to prevent domestic life insurance companies from owning their home office buildings in the state of Kentucky, and renting or sub-letting such space as they do not require for their immediate needs, and when such office building is so owned, it may be deeded to the insurance commissioner of the state of Kentucky, and when said deed is properly recorded, deposited with the treasurer of the state of Kentucky, for the full amount of its value, as determined

by the insurance commissioner, and that said home office bulding, when so deeded to the insurance commissioner of the state of Kentucky, shall not be sold or further encumbered, except by the consent of said insurance commissioner, joining in the deed for such purpose, and the entire plan and intentions of said life insurance company have been submitted to and approved by said insurance commissioner. The insurance commissioner, in determining the value of the real estate, herein mentioned, shall give it no higher value than would be adequate to yield at three per cent. annual interest, the average amount of its net rental for the year next preceding including a fair rental value for the space occupied by such company; except that if an insurance company shall show to the satisfaction of the insurance commissioner, that the actual value of such real estate is greater than the value as ascertained, then the actual value of the said real estate as determined by the insurance commissioner shall be allowed. Provided, further, however, that no domestic life insurance company, hereafter organized, shall invest more than one-fourth of its capital and accumulations, including its policy loans, in such real estate so used by it as its home office building. And provided further, that when such real estate used for such home office building is sold or encumbered, as provided herein, by the consent of said insurance commissioner of the state of Kentucky, other securities shall be deposited in lieu of same, but domestic life insurance companies, whether organized before or after the passage of this Act, owning their home office building in the state of Kentucky and renting or subletting such space as they do not require for their immediate needs may with the approval of the insurance commissioner, invest not exceeding one-half of their capital and accumulations, including their policy loans, in such home office building, provided a fair rental value of the space occupied by such company does not exceed a fair rental value of the space rented or sublet by such company, so that no such company shall in-

vest more than one-fourth of its capital and accumulations, including its policy loans, in such part of its home office building as is actually occupied by it.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. Whereas, an inequality now exists by reason of domestic life insurance companies organized prior to 1918 being permitted to do, and companies organized since then not being permitted to do, as this amendment authorizes, an emergency is hereby declared to exist and this Act shall take effect from and after it passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	Fred H. Coots	Goebel B. Henson
W. B. Ardery	J. D. Cox	H. M. Holbrook
Wm. J. Arvin	C. L. Daly	S. K. Holland
W. O. Bach	James M. Durham	E. M. Johnson
J. H. Baughman	D. E. Edwards	Grover C. Johnson
Shaler Berry	D. W. Fowler	W. W. Johnson
C. H. Berryman	Otto C. Gartin	D. C. Jones
W. P. Bowman	R. E. Glenn	Mrs. H. G. Jorris
D. F. Brown	F. A. Gnau	W. O. Keller
W. G. Buckner	Lawrence Harmon	J. R. Kelly
S. J. Bunger	J. F. Harrison	Leon P. Lewis
Lee Clark	C. W. Hawkins	J. L. Manning
Lonnie Cooper	J. M. Hayse	Shelby Martin

A. M. Mercer	Jas. J. Peters	C. W. Ryans
H. J. Meyers	Geo. W. Potter	Frank L. Strange
J. S. Milliken	W. H. Pryor	Mac Swinford
T. R. Moore	H. A. Pulliam	C. D. Vincent
W. J. McGill	Clint Raymer	T. B. Watts
Caleb Page	R. R. Rogers	
Smith Park	Philip J. Ryan	—58

There voted in the negative—

Mormon B. Daniel —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 260. An Act to amend and re-enact sec. 3096 of the Kentucky Statutes (Carroll's 1915 Edition) relating to the improvement of streets, public ways, grounds and sidewalks in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3096 of the Kentucky Statutes (Carroll's 1915 Edition), be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3096. The general council or commissioners, may, by ordinance, provide for the improvement of the streets, alleys and other public ways and sidewalks (including

curbing and guttering) or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original construction, or reconstruction, or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this Act, provided, however, that in cities having a general council consisting of two boards, no ordinance for the original improvement of any public street or sidewalk as contemplated in this Section shall pass both boards of said general council on the same day, but at least two weeks shall elapse between the passage of any such ordinance from one board to the other. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made at the exclusive cost of the owners of real estate abutting on such improvement to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the city treasurer's office upon the completion of the work and acceptance thereof by the general council or commissioners, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due, shall have added thereto a penalty of ten per cent of the amount of the tax. There shall be a lien upon such lots or parcel of real estate, for the part of the cost of such improvements so assessed thereon, and the same shall bear interest at the rate of six per cent per annum from the time of the assessment until paid. And any such tax or assessment which is not paid within thirty days after the same becomes due shall, together with interest and penalties be placed upon the tax duplicate and tax bills with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may in addition to the remedies given in this Act be sold and collection thereof enforced in the manner provided

by law for the collection of other municipal taxes. Any assessment for any street improvement as provided in this Section which exceeds one-half of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to excess, but the improvement shall be taken into consideration in fixing the value of real estate, and the general council, or city commissioners shall provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway, the railway company is required by law or by its franchise or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all the property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable at the same time and in the same manner and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall before the letting of the contract for such improvement, elect, by written request presented to the general council, or the city commissioners, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time, and subject to such provisions, as the ordinance therefor may prescribe. The city shall pay the cost of the improvement of intersections with other public ways, including one-half of the width of the street or alley, being improved, opposite other streets or alleys, which run into,

but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city. The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes, as provided in this section, showing the name and portion of the street on which the improvement is made, the character of the improvement, and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same and shall be conclusive evidence and notice to all persons of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien of such tax shall stand released. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement and no proceeds arising from assessment for one improvement shall be diverted to the payment of any other improvement whatever.

The proceeds shall, in each case, constitute a separate special fund for the payment of the improvement warrants issued for the particular work for which the assessment is made, or for the security and payment of the improvement bonds, if any are issued, as provided in section 3102 for such improvement. The general council or commissioners may provide by ordinance that monthly estimates be made of the amount of work done on any such improvement, and may issue to the contractor improvement warrants therefor to the extent of 65 per cent of the estimate, bearing not exceeding 6 per cent per annum interest from date of issue. Such warants shall be issued by the city treasurer, or the commissioner of finance upon the order of the general council or city commissioners. They shall be negotiable, and shall constitute a lien on the local taxes levied for such improvement and shall be payable

at the office of the city treasurer without notice to the holder thereof upon completion and acceptance of the improvement out of the first collection of such local taxes, or out of the proceeds of the sale of any improvement bonds issued in anticipation thereof. The interest on such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued, and where the general council or city commissioners fail to provide by ordinance that monthly estimates be made of the amount of work done on any such improvement, and fail to issue to the contractor improvement warrants thereof to the extent of 60 per cent of the estimate, and in all cases where they do provide by ordinance that monthly estimates be made of the amount of such work done on said improvement to the extent of 65 per cent of the estimate, the general council or city commissioners after the acceptance of the work of said improvement, and the confirmation of the engineer's final estimate of the cost thereof shall issue to the contractor improvement warrants for the full amount of the final estimate or assessment for said improvement, bearing not exceeding six per cent per annum from date of issue; such warrants shall be issued by city treasurer or commissioner of finance upon order of the general council or city commissioners; said warrants shall be negotiable and constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer or commissioner of finance without notice to the holder thereof out of the collection of such local taxes, and interest upon such improvement warrant shall be estimated and assessed as part of the cost of the improvement for which the same are issued. The general council or commissioners of any city of the second class may provide by general ordinance that such city shall pay part, and if so, what part of the cost of the improvement of streets, alleys and other public ways (excluding) sidewalks of such cities. When such provision is made, it shall be uniform and shall thereafter apply to the improvement of all streets, alleys

and public ways in the city (excluding sidewalks), and such general provision shall not thereafter be changed or repealed except at intervals of 10 years or more. Any street, alley or other public way which has been improved or reconstructed with brick, granite, asphalt, concrete or other improved material or paving, since March 1, 1919, or which may hereafter be improved or reconstructed with brick, granite, asphalt, concrete or other improved material or paving, entirely at the expense of the abutting property owner, as provided herein, shall not for a period of fifteen years after such improvement or reconstruction be reconstructed or resurfaced upon a foundation already in place, except at the sole expense of the city.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the pasage of said bill in accordance with provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	S. J. Bunger	Otto C. Gartin
W. B. Ardery	Lonnie Cooper	R. E. Glenn
W. O. Bach	Fred H. Coots	F. A. Gnau
J. H. Baughman	J. D. Cox	Lawrence Harmon
T. H. Benton	J. S. Cruse	J. F. Harrison
Shaler Berry	W. J. Curtis	C. W. Hawkins
C. H. Berryman	J. L. Cushing	J. M. Hayse
W. P. Bowman	C. L. Daly	Goebel B. Henson
Geo. A. Brown	Mormon B. Daniel	H. M. Holbrook
F. W. Bryant	E. J. Doss	Ira L. Horne
J. R. Buckman	D. E. Edwards	J. C. Hutcherson
W. G. Buckner	J. O. Evans	E. M. Johnson

Grover C. Johnson	L. P. Murphy	Philip J. Ryan
W. W. Johnson	Chas. N. McCarty	C. W. Ryans
D. C. Jones	F. T. Nichols	Chas. L. Seale
Mrs. H. G. Jorris	Smith Park	M. G. Slusher
W. W. Leslie	Jas. J. Peters	W. R. Smith
Leon P. Lewis	Geo. W. Potter	E. J. Snyder
J. L. Manning	W. H. Pryor	C. D. Vincent
Shelby Martin	H. A. Pulliam	W. S. Wallen
H. J. Meyers	Clint Raymer	T. B. Watts
J. S. Milliken	R. R. Rogers	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 281. An Act for the furtherance of forest fire protection; defining the duties and giving certain authorities to forest wardens; providing a penalty for failure to obey summons; and providing reasonable compensation for services and of equipment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of all forest wardens to assist, to the best of their abilities, in preventing, controlling and extinguishing all forest fires under such direction as may be approved by the Kentucky Forest Service.

§ 2. Any forest warden duly appointed by the Department of Agriculture, Labor and Statistics may arrest, without a warrant, any person or persons taken by him in the act of violating any of the laws for the protection of the forests of the state. No action for trespass shall lie against any forest warden, or person summoned by him, for crossing or working upon lands of another in connection with his duties of forest warden. Any forest warden may administer an oath or affirmation in order to examine any person whom he believes knows facts relating to any forest fire or who claims compensation for services rendered. Any forest warden may summon any male resident of the state over eighteen (18) years of age who is physically able to assist in extinguishing forest fires, and may require the use of horses, automobiles, tools and other equipment needed for such purpose.

§ 3. Any person so summoned, who is physically able, who refuses or neglects to so assist, or to allow the use of any required equipment or materials, shall be guilty of a misdemeanor and liable to a penalty of not less than five dollars ($5.00) nor more than fifty dollars ($50.00).

§ 4. Owners of said required equipment and materials shall receive reasonable compensation therefor, as determined by the forest warden, or in case of disagreement upon the terms of compensation, the dispute shall be referred to the State Forester or Assistant State Forester, who shall make the final decision. Inability or failure to pay persons summoned to assist in extinguising forest fires shall not be a bar to the authority of the forest warden to summon such persons.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	H. J. Meyers
W. B. Ardery	D. W. Fowler	H. H. Miller
Wm. J. Arvin	Otto C. Gartin	L. P. Murphy
W. O. Bach	F. A. Gnau	Chas. N. McCarty
J. H. Baughman	Lawrence Harmon	J. L. McDavid
T. H. Benton	J. F. Harrison	F. T. Nichols
Shaler Berry	C. W. Hawkins	Caleb Page
C. H. Berryman	J. M. Hayse	Geo. W. Potter
W. P. Bowman	Goebel B. Henson	W. H. Pryor
D. F. Brown	H. M. Holbrook	H. A. Pulliam
Geo. A. Brown	Ira L. Horne	Clint Raymer
F. W. Bryant	E. M. Johnson	R. R. Rogers
J. R. Buckman	Grover C. Johnson	Philip J. Ryan
W. G. Buckner	W. W. Johnson	C. W. Ryans
S. J. Bunger	D. C. Jones	Chas. L. Seale
C. B. Carver	Mrs. H. G. Jorris	M. G. Slusher
Lee Clark	W. O. Keller	W. R. Smith
Lonnie Cooper	J. R. Kelly	E. J. Snyder
Fred H. Coots	W. W. Leslie	Frank L. Strange
J. S. Cruse	Leon P. Lewis	C. D. Vincent
C. L. Daly	J. L. Manning	W. S. Wallen
D. E. Edwards	A. M. Mercer	T. B. Watts

—66

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 307. An Act prohibiting blackmail, defining same, and prescribing penalties therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to commit blackmail, as that term is defined in this act.

§ 2. Any person who, knowing the contents thereof, and with intent, by means thereof, to extort or gain any money or other property, or to do, abet or procure any illegal or wrongful act, sends, delivers, or in any manner causes to be forwarded or received, or makes or parts with for the purpose that there may be sent or delivered, any letter or writing, threatening:

a. To accuse any person of a crime; or,

b. To do any injury to any person or to any property; or,

c. To publish or connive at publishing any libel; or,

d. To expose or impute to any person any deformity or disgrace

Shall be guilty of a felony, and shall be punished by confinement in the State Reformatory for not less than one, nor more than ten years.

§ 3. Any person who, under circumstances not amounting to robbery or an attempted robbery, with intent to extort any gain or property, orally makes such a threat as would be a violation of the foregoing section if made or enacted in writing, shall be guilty of a misdemeanor, and shall be fined for each conviction not less than one hundred nor more than five hundred dollars, and confined in the county jail not less than thirty nor more than one hundred and twenty days, in the discretion of the jury.

§ 4. It shall be immaterial whether a threat made as specified in the foregoing sections, is of things to be done or committed by the offender, or by any other person.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	H. J. Meyers
W. B. Ardery	Otto C. Gartin	J. S. Milliken
Wm. J. Arvin	R. E. Glenn	T. R. Moore
W. O. Bach	F. A. Gnau	B. J. Morris
Shaler Berry	J. M. Hayse	Chas. N. McCarty
C. H. Berryman	Goebel B. Henson	W. J. McGill
W. P. Bowman	H. M. Holbrock	Smith Park
D. F. Brown	S. K. Holland	Geo. W. Potter
Geo. A. Brown	E. M. Johnson	W. H. Pryor
J. R. Buckman	Grover C. Johnson	H. A. Pulliam
W. G. Buckner	W. W. Johnson	Philip J. Ryan
S. J. Bunger	D. C. Jones	C. W. Ryans
Lonnie Cooper	W. O. Keller	W. R. Smith
J. D. Cox	J. R. Kelly	Frank L. Strange
C. L. Daly	Oscar Leibson	W. S. Wallen
J. R. Dorman	Leon P. Lewis	T. B. Watts
E. J. Doss	J. L. Manning	
D. E. Edwards	A. M. Mercer	

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Those who voted in the affirmative were—

Jas. J. Peters	R. R. Rogers	Chiles Van Antwerp
Clint Raymer	Mac Swinford	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 381. An Act relating to the government of cities of the second class by amending and re-enacting sections 5, 6, 7, 8 and 11 of an act of the General Assembly approved March 21, 1910, being chapter 50 of the Acts of 1910, entitled, "An act to amend an act entitled 'An Act for the government of cities of the second class in the Commonwealth of Kentucky,' which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as article 3 of chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909," as said sections have been since amended by an act of the General Assembly approved March 11, 1912, being chapter 17 of the Acts of 1912, the same as so amended being sections 3235c-5, 3235c-6, 3235c-7, 3235c-8 and 3235c-11 of the Kentucky Statutes, Carroll's 1915 edition, and by amending and re-enacting sections 10 and 18 of said act of the General Assembly approved March 21, 1910, being chapter 50 of the Acts of 1910, and being sections 3235c-10 and 3235c-18 of the Kentucky Statutes, Carroll's 1915 edition, and by amending and re-enacting section 3235d of the Kentucky Statutes, Corroll's 1915 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5 of an act of the General Assembly approved March 21, 1910, being chapter 50 of the Acts of 1910, entitled "An act to amend an act entitled, 'An Act for the government of cities of the second class in the Commonwealth of Kentucky,'" which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as article 3, of chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909, as said section has since been amended by an act of the General Assembly approved March 11, 1912, being chapter 17 of the Acts of 1912, and, as so amended, being section 3235c-5 of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-5. If the year in which such election under this act shall be held in any city be an even year, and the vote shall be in favor of the organization and government of the city under the provisions of this act, then at the regular city election in the next following odd year there shall be elected by the qualified registered voters of said city a commissioner of public finance, a commissioner of public safety, a commissioner of public works, a commissioner of public property and a mayor, if the term of the then mayor will expire with such odd year, or a commissioner of public finance, a commissioner of public safety, a commissioner of public works, a commissioner of public property and a police judge, if the term of the police judge will expire with such odd year.

If the year in which an election shall be or may have been held in any city upon the proposition as to whether such city shall be organized under the provisions of this act, be an odd year, and the vote shall be or was in favor of such proposition, then at the regular city election in the next following even year only the four said commissioners shall be elected, and the terms of office of such commissioners elected

in such even year shall be for one year only, and at the regular election in the next following odd year there shall be elected the four commissioners and a mayor, if the term of the then mayor will expire with said year or the four commissioners and a police judge if the term of the then police judge will expire with such year.

The mayor, police judge and commissioners shall be nominated and elected from the city at large and in the manner prescribed in this act.

§ 2. That section 6 of said act of the General Assembly approved March 21, 1910, being chapter 50 of the Acts of 1910, as said section has been since amended by an act of the General Assembly approved March 11, 1912, being chapter 17 of the Acts of 1912, said section as so amended being section 3235c-6 of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-6. No person shall be elected to said office of mayor, police judge, commissioner of public finance, commissioner of public safety, commissioner of public works, or commissioner of public property without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day of the regular election there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election.

Each applicant for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least one hundred voters and in the following form:

"We, the undersigned, qualified voters of the city of .....(naming it), and residing each at the place indicated opposite his name signed hereto, do hereby request that the name of ..... (naming

the applicant), be placed on the ballot as that of an applicant for nomination for the office of .....(naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him."

Names	Numbers	Streets
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers.

No voters shall sign more than one such petition with reference to each office that is to be filled; and in the event that any voter shall sign more than one petition of applicants for nomination for any one office to be filled, then the name of such petitioner shall not be counted as a valid name on any of said petitions with reference to such office.

Immediately upon the expiration of the time for filing such petitions the said county clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Provided, however, that immediately upon the expiration of the time for filing such petitions, if it should appear that there are only two applicants for the nomination as mayor, police judge, commissioner of public finance, commissioner of public safety, commissioner of public works or

commissioner of public property, such two applicants for mayor, police judge, commissioner of public finance, commissioner of public safety, commissioner of public works or commissioner of public property, as the case may be, shall be thereby nominated and the names of such nominees shall not be placed upon the primary ballots for such primary election, and no primary election shall be held for nomination for such office.

Upon said ballots the names of said applicants for each nomination shall be printed as provided in section 8 of this act with a square at the right of each name, and above the names of the applicants for nomination for mayor or police judge, as the case may be, and of the applicants for nomination for commissioner of public finance, commissioner of public safety, commissioner of public works and commissioner of public property, shall be printed the words "Vote for one." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

Having caused said ballots to be printed, the said county clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the county clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the county board of election commissioners shall canvass said returns so re-

ceived from all the polling precincts, and shall publish in the official newspaper of the city at least once the result thereof. Said canvass by the county board shall be publicly made.

At such primary election the two applicants receiving the highest number of votes for nomination for mayor or police judge, as the case may be, shall be thereby nominated; and the two applicants receiving the highest number of votes for nomination for each of the offices of commissioner of public finance, commissioner of public safety, commissioner of public works and commissioner of public property shall be thereby nominated for such offices, respectively.

§ 3. That section 7 of said Act of the General Assembly approved March 21, 1910, being chapter 50 of the Acts of 1910, as said section has been since amended by an act of the General Assembly, approved March 11, 1912, being chapter 17 of the Acts of 1912, said section as so amended being section 3235c-7 of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-7. At the regular elections held under this act the names of the nominees shall be placed upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful nominees and the heading "city ballots," and the one nominee receiving the greater number of votes cast for mayor or police judge (as the case may be), and the one nominee receiving the greatest number of votes cast for commissioner of public finance, commissioner of public safety, commissioner of public works and commissioner of public property, respectively, shall be elected, respectively, mayor or police judge (as the case may be), and commissioner of public finance, commissioner of public safety, commissioner of public works and commissioner of public property.

§ 4. That section 8 of said Act of the General Assembly approved March 21, 1910, being Chapter 50 of the Acts of

1910, as said section has been since amended by an Act of the General Assembly approved March 11, 1912, being Chapter 17 of the Acts of 1912, said section as so amended being section 3235c-8 of the Kentucky Statutes, Carroll's 1915 edition, be and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-8. Every fourth year after the election at which a mayor and said four commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices; and every fourth year after the election at which such police judge and said four commissioners shall be elected, and at the corresponding times in the year, a primary election and a regular election shall be held in the same manner and for the same offices.

§ 5. That section 10 of said Act of the General Assembly approved March 21, 1910, being Chapter 50 of the Acts of 1910, and being section 3235c-10 of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended will read as follows:

Section 3235c-10. The mayor shall be elected for a term of four years beginning on the first Monday in January following his election; and he shall receive an annual salary of Four Thousand ($4,000.00) Dollars. Provided, however, that the change in the salary of mayor hereby made shall not be effective during the term of office for which any such mayor has been elected at the time of the passage of this act.

§ 6. That section 11 of said Act of the General Assembly approved March 21, 1910, being Chapter 50 of the Acts of 1910, as said section has been since amended by an Act of the General Assembly approved March 11, 1912, being Chapter 17 of the Acts of 1912, and, as so amended, being section 3235c-11 of the Kentucky Statutes, Carroll's 1915 edition, be, and the

same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-11. The said commissioners shall be elected each for a term of two years, beginning on the first Monday in January following his election; and each commissioner shall receive an annual salary of Thirty-Six Hundred ($3,600.00) Dollars; Provided, however, that the proposition for the organization and government of the city under the provisions of said act approved March 21, 1910, be adopted, the said four commissioners elected in the next following even year shall, as hereinbefore provided, hold their office for the term of one year only. Provided, however, that the change in the salary of the commissioners hereby made shall not be effective during the term of office for which any such commissioners have been elected at the time of the passage of this act.

The commissioners of each department shall keep a public office at the city building, at which place he may be found or communicated with during stated hours to be fixed by him for the convenience of the public unless special duty shall call him elsewhere.

§ 7. That section 18 of said Act of the General Assembly approved March 21, 1910, being Chapter 50 of the Acts of 1910, and being section 3235c-18 of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235c-18. The mayor shall be the commissioner of the department of public affairs, and he shall have a general advisory supervision over the affairs of all the departments.

The respective commissioners of public finance, public safety, public works and public property shall have superintendence of the departments of public finance, public safety, public works and public property, respectively.

§ 8. That section 3235d of the Kentucky Statutes, Carroll's 1915 edition, be, and the same hereby is amended and re-enacted so that said section, as amended, will read as follows:

Section 3235d. At all elections held under this Act the ballots shall be on a different sheet from all other ballots to be used in any election and shall be in the form therein prescribed, except the words "city ballot" shall be at the head thereof, and the names of all candidates for each office shall be printed on said ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots as arranged in alphabetical order and on each of the succeeding fifty ballots the names shall be printed in the same order, except that the first name on the preceding fifty ballots shall be shifted to the last place on the next succeeding fifty ballots, which last name so shifted from the first place on said previous lot of fifty ballots shall be succeeded by the second name thereon at all times, and so on thereafter throughout, a like change or rotation being made in the printed order of names for every fifty ballots.

The provisions for the general election law of the state of Kentucky as to the duties of the county clerk and other public officers in the matter of printing and distributing ballots, of the issuing of them to the voters, of receiving and depositing them in ballot boxes and of counting and preserving them, and in all other particulars except as otherwise provided herein shall be applicable in all respects to the election of the municipal officers under the provisions of this act, provided that it shall be the duty of the sheriff of each county in which is a city of the second class operating under the provisions of this act, to provide for each precinct in said city a separate box for the reception of ballots used in the election of the municipal officers. And provided further, that it shall be the duty of the officers of election in each precinct to issue the ballots herein provided for in the same manner as other

ballots are issued at said election, by writing the name and the residence of the voter upon the primary stub and his register number upon the secondary stub of the city ballot, and by observing as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for any election officer or other person within the election booth to tell or to indicate, by word of mouth or otherwise, to a voter what may be the political affiliation of any candidate, and a violation of this provision shall be a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200.00). At the opening of the polls at any election herein provided for each judge shall appoint an inspector and challenger, whose duty it shall be to act as such in the precinct in which he is appointed and in so acting said inspector and challenger shall be governed by the provisions of the general election law with reference to inspectors and challengers.

§ 9. All acts, or parts of acts, in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 10. If any section of this act be held to be invalid, or unconstitutional, such fact shall not affect any other section of this act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid, or unconstitutional, such fact shall not affect the remaining portion of such section, it being the intention of the General Assembly to enact each section of this act and each proviso and each exception thereto, separately.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	H. H. Miller
W. B. Ardery	D. W. Fowler	J. S. Milliken
Wm. J. Arvin	Otto C. Gartin	B. T. Morris
W. O. Bach	R. E. Glenn	L. P. Murphy
J. H. Baughman	F. A. Gnau	Chas. N. McCarty
Shaler Berry	Lawrence Harmon	W. J. McGill
C. H. Berryman	C. W. Hawkins	F. T. Nichols
W. P. Bowman	J. M. Hayse	Caleb Page
D. F. Brown	Goebel B. Henson	Smith Park
Geo. A. Brown	S. K. Holland	Jas. J. Peters
F. W. Bryant	Ira L. Horne	Geo. W. Potter
J. R. Buckman	Grover C. Johnson	W. H. Pryor
W. G. Buckner	W. W. Johnson	Clint Raymer
S. J. Bunger	D. C. Jones	R. R. Rogers
W. A. Carson	W. O. Keller	Philip J. Ryan
Lonnie Cooper	J. R. Kelly	C. W. Ryans
J. D. Cox	Oscar Leibson	W. R. Smith
J. S. Cruse	W. W. Leslie	E. J. Snyder
J. L. Cushing	Leon P. Lewis	Frank L. Strange
C. L. Daly	J. L. Manning	J. L. Valandingham
Mormon B. Daniel	Shelby Martin	W. S. Wallen
E. J. Doss	A. M. Mercer	T. B. Watts
James M. Durham	H. J. Meyers	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 363. An Act to amend and re-enact section 1954c-24 Kentucky Statutes, Carroll's 1922 Edition, as amended by Chapter 30 of the Acts of 1916, entitled "An Act amending an Act entitled 'An Act for the protection of game and fish,' Chapter 35, Acts 1912, approved March 12, 1922.' "

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1954c-25, Kentucky Statutes, Carroll's 1922 Edition, as amended by Chapter 30 of the Acts of 1916, be and the same is hereby amended by substituting the words "the sum of twenty-five dollars ($25.00)," in lieu of the "sum of seven dollars and fifty cents ($7.50)," so that said section when amended shall read as follows:

§ 2. 1954c-25. Non-resident or alien hunter's license; how obtained. Any non-resident or alien of this State, or person who has not been a resident of this State for one year, may procure a license for hunting by filing his or her affidavit with the county clerk of any county in the State, stating his or her age, place of residence, postoffice address, height, color, color of his or her eyes, and hair, and the fact whether he or she can write her name, and by paying to said county clerk the sum of twenty-five dollars ($25.00), which license shall entitle him or her to hunt in all counties of this state, after receiving permission of the owner or agent of the land.

§ 3. 1954c-24. Whenever used in the Fish and Game Protective laws, unless a contrary intention is evident from the context the word "hunt" shall intend taking, killing, trapping, injuring or pursuing with intent to take, kill or injure, and shall also include chasing with dogs, regardless of intent; however nothing in this act shall be construed to prevent any non-resident from participating in any regularly advertised field trial without procuring a license.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	A. M. Mercer
W. B. Ardery	Otto C. Gartin	H. J. Meyers
Wm. J. Arvin	R. E. Glenn	H. H. Miller
W. O. Bach	F. A. Gnau	J. S. Milliken
J. H. Baughman	Lawrence Harmon	L. P. Murphy
T. H. Benton	J. F. Harrison	J. L. McDavid
Shaler Berry	C. W. Hawkins	W. J. McGill
C. H. Berryman	J. M. Hayse	F. T. Nichols
W. P. Bowman	Goebel B. Henson	Geo. W. Potter
D. F. Brown	Ira L. Horne	H. A. Pulliam
Geo. A. Brown	J. C. Hutcherson	Clint Raymer
F. W. Bryant	E. M. Johnson	R. R. Rogers
J. R. Buckman	Grover C. Johnson	C. W. Ryans
W. G. Buckner	W. W. Johnson	Chas. L. Seale
S. J. Bunger	D. C. Jones	M. G. Slusher
Lonnie Cooper	Mrs. H. G. Jorris	E. J. Snyder
Fred H. Coots	W. O. Keller	Frank L. Strange
J. D. Cox	J. R Kelly	C. D. Vincent
J. S. Cruse	W. W. Leslie	W. S. Wallen
W. J. Curtis	Leon P. Lewis	T. B. Watts
Mormon B. Daniel	J. L. Manning	
J. O. Evans	Shelby Martin	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Commitee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 364. An Act to amend and re-enact sec. 1941 of Carroll's Kentucky Statutes, 1922 Edition, as amended by chapter 122 of the Acts of 1920, entitled "An Act for the protection of game birds and game animals; fixing open and closed seasons for the same, fixing the bag limit for birds and animals killed in open season; prohibiting the snaring or rabbits at any time and providing penalty for the violation of this act."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1941 of Carroll's Kentucky Statutes, 1922 Edition, as amended by Chapter 122 of the Acts of 1920, be and the same is hereby amended by substituting the words "first day of February" in lieu of the words "first day of January," so that said section and act when so amended and re-enacted will read as follows:

§ 2. Sec. 1941. Wild goose, teal or wild duck; when unlawful to catch or kill. No person shall catch or kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any wild goose, wood duck, teal or other wild duck between the first day of February and first day of November in each year.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	R. E. Glenn	Chas. N. McCarty
W. B. Ardery	F. A. Gnau	J. L. McDavid
Wm. J. Arvin	Lawrence Harmon	W. J. McGill
W. O. Bach	J. F. Harrison	F. T. Nichols
J. H. Baughman	C. W. Hawkins	Caleb Page
Shaler Berry	J. M. Hayse	Geo. W. Potter
C. H. Berryman	Goebel B. Henson	W. H. Pryor
W. P. Bowman	H. M. Holbrook	H. A. Pulliam
D. F. Brown	Ira L. Horne	Clint Raymer
Geo. A. Brown	J. C. Hutcherson	R. R. Rogers
F. W. Bryant	Grover C. Johnson	Philip J. Ryan
J. R. Buckman	W. W. Johnson	C. W. Ryans
W. G. Buckner	D. C. Jones	Chas. L. Seale
S. J. Bunger	Mrs. H. G. Jorris	M. G. Slusher
Lonnie Cooper	J. R. Kelly	W. R. Smith
Fred H. Coots	Oscar Leibson	E. J. Snyder
J. D. Cox	Leon P. Lewis	Frank L. Strange
J. S. Cruse	J. L. Manning	Mac Swinford
W. J. Curtis	Shelby Martin	J. L. Valandingham
C. L. Daly	A. M. Mercer	Chiles Van Antwerp
Mormon B. Daniel	H. J. Meyers	C. D. Vincent
E. J. Doss	J. S. Milliken	W. S. Wallen
J. O. Evans	T. R. Moore	T. B. Watts
D. W. Fowler	B. T. Morris	
Otto C. Gartin	L. P. Murphy	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 350. An Act to amend section 165a-1, Kentucky Statutes, Carroll's Edition of 1922, relating to Banking Departments.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 165a-1, Kentucky Statutes, Carroll's Edition of 1922, be and is hereby amended by inserting after the words "combined banks" in line Eight (8) of said Section, the words "real estate mortgage companies engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidence of such loans, whether notes, or bonds, or its own obligation secured by such notes or bonds."

And by inserting after the words "combined banks" in line Fifteen (15) of said Section, the words "real estate mortgage companies engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidence of such loans, whether notes, or bonds, or its own obligation secured by such notes or bonds."

So that said Section, as amended, shall read as follows:

"Section 165a-1. Department of banking created: 'banks' defined. There is hereby established a department to be designated 'department of banking,' which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed, relating to banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans and real estate and the selling and offering for sale to the public the evidences of such loans, whether notes, or bonds, or its own obligation secured by such notes or bonds, and combined

banks and trust companies, organized and doing business under the laws of the Commonwealth of Kentucky. Unless otherwise stated the words 'bank' or 'banks' herein used shall include all banks, trust companies, savings banks, combined banks, real estate mortgage companies engaged in the business of making mortgage loans on real estate and the selling and offering for sale to the public the evidences of such loans, whether notes, or bonds, or its own obligation secured by such notes or bonds, and combined banks and trust companies."

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. D. Cox	Mrs. H. G. Jorris
W. B. Ardery	J. S. Cruse	W. W. Leslie
Wm. J. Arvin	Mormon B. Daniel	Leon P. Lewis
W. O. Bach	E. J. Doss	J. L. Manning
J. H. Baughman	James M. Durham	Shelby Martin
Shaler Berry	J. O. Evans	A. M. Mercer
C. H. Berryman	Otto C. Gartin	H. J. Meyers
W. P. Bowman	R. E. Glenn	T. R. Moore
D. F. Brown	F. A. Gnau	L. P. Murphy
Geo. A. Brown	C. W. Hawkins	Chas. N. McCarty
F. W. Bryant	J. M. Hayse	J. L. McDavid
J. R. Buckman	Goebel B. Henson	W. J. McGill
W. G. Buckner	H. M. Holbrook	F. T. Nichols
S. J. Bunger	Grover C. Johnson	Caleb Page
Lee Clark	E. M. Johnson	Smith Park
Lonnie Cooper	W. W. Johnson	Geo. W. Potter
Fred H. Coots	D. C. Jones	W. H. Pryor

Clint Raymer	M. G. Slusher	J. L. Valandingham
R. R. Rogers	W. R. Smith	C. D. Vincent
Philip J. Ryan	E. J. Snyder	W. S. Wallen
C. W. Ryans	Frank L. Strange	T. B. Watts
Chas. L. Seale	Mac Swinford	

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 403. An Act creating a clinic for indigent school children in counties containing cities of the second class, and authorizing fiscal courts to levy tax for maintenance of same.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fiscal court in counties containing cities of the second class may establish and maintain a clinic for the use and benefit of the indigent school children of the county and may levy and collect a tax not exceeding two cents on the one hundred ($100.00) dollars for said purpose.

Said clinic shall be managed and conducted by a board of trustees consisting of ten (10) members to be appointed by the county judge.

They shall serve for a term of four (4) years and without compensation.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	J. O. Evans	J. S. Milliken
W. B. Ardery	D. W. Fowler	T. R. Moore
Wm. J. Arvin	R. E. Glenn	B. T. Morris
W. O. Bach	F. A. Gnau	Chas. N. McCarty
J. H. Baughman	Lawrence Harmon	W. J. McGill
T. H. Benton	J. F. Harrison	F. T. Nichols
Shaler Berry	Goebel B. Henson	Caleb Page
C. H. Berryman	S. K. Holland	Smith Park
W. P. Bowman	Ira L. Horne	Jas. J. Peters
D. F. Brown	Grover C. Johnson	Geo. W. Potter
J. R. Buckman	W. W. Johnson	W. H. Pryor
W. G. Buckner	D. C. Jones	Philip J. Ryan
S. J. Bunger	Mrs. H. G. Jorris	C. W. Ryans
C. B. Carver	W. O. Keller	Chas. L. Seale
Lonnie Cooper	J. R. Kelly	M. G. Slusher
Fred H. Coots	Oscar Leibson	W. R. Smith
J. D. Cox	W. W. Leslie	E. J. Snyder
J. L. Cushing	J. L. Manning	Frank L. Strange
C. L. Daly	Shelby Martin	J. G. Swearengin
E. J. Doss	A. M. Mercer	C. D. Vincent
James M. Durham	H. J. Meyers	W. S. Wallen
D. E. Edwards	H. H. Miller	T. B. Watts

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Resolved that the title thereof be as aforesaid

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a bill entitled:

S. B. 416. An Act to amend and re-enacted sec. 743a-9 of Kentucky Statutes, Carroll's 1918 Edition, relating to the conditions to be complied with by mutual insurance companies before being licensed to transact business.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That G of Sub-Division 2 of Section 743a-9 of Carroll's Kentucky Statutes, 1918 edition, being a part of the Act of March 15, 1916, authorizing the organization of mutual insurance companies, be amended by striking therefrom the following words:

"It shall hold admitted assets for each kind of insurance to be issued equal to at least five times the maximum single risk assumed." And inserting in lieu thereof the following:

"It shall have collected a premium upon each application to be issued and shall hold net admitted assets to consist of cash or securities, in which insurance companies are authorized to invest equal to not less than five times the maximum risk assumed, nor less than fifty thousand ($50,000.00); and shall hold net admitted assets equal to not less than five times the maximum single risk assumed for each additional class of business which it may transact."

So that said section, as amended, will read as follows:

"No such corporation shall issue policies or transact any business of insurance unless it shall comply with the conditions following, nor until the Insurance Commissioner has by formal license authorized it to do so, which license shall not issue until the corporation has complied with the following conditions:

If organized to transact the kind of insurance described in paragraph (a) sub-section 7. . . . . .

(a) Application for at least two hundred (200) risks, for at least twenty members, shall be subscribed, aggregating not less than five hundred thousand dollars ($500,000.00) insurance.

(b) The maximum amount of any single risk, less re-insurance shall not exceed three times the average risk or one per cent of the insurance applied for, whichever is the greater.

(c) A premium upon each application shall be collected in cash and the corporation shall hold admitted assets of not less than twice the maximum single risk assumed subject to one fire nor less than ten thousand dollars.

If organized to transact the kind of insurance described under paragraphs b, c, d, e, f, g, h, i, j, and k of section 7.

(e) It shall hold bona fide applications for insurance upon which it shall issue simultaneously at least twenty policies to at least twenty members of the same kind of insurance upon not less than 200 separate risks, each within the single risk prescribed herein.

(f) The maximum single risk shall not exceed twenty per cent of its admitted assets or three times the average policy, or one per cent of the insurance in force, whichever is the greater, any re-insurance taking effect simultaneously with the policy being deducted in determining such maximum single risk.

(g) It shall have collected a premium upon each application to be issued and shall hold net admitted assets to consist of cash or securities, in which insurance companies are authorized to invest, equal to not less than five times the maximum risk assumed nor less than fifty thousand ($50,000.00); and shall hold net admitted assets equal to not less than five times the maximum single risk assumed for each additional class of business which it may transact.

(h) For the purpose of transacting the kind of insurance specified in paragraph (c) of subsection 7, no more than $50,-

000.00 in such admitted assets shall be required, and at least 1,500 employees shall be covered, each such employee being considered a separate risk, and the provision with regard to maximum single risk shall not apply."

This act shall become a law and be in force and effect from and after its passage and publication.

Ordered, that said bill be read the third time.

The Constitutional provision as to the the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. B. Ardery	Marmon B. Daniel	Leon P. Lewis
Wm. J. Arvin	E. J. Doss	J. L. Manning
W. O. Bach	James M. Durham	Shelby Martin
J. H. Baughman	J. O. Evans	A. M. Mercer
T. H. Benton	D. W. Fowler	H. J. Meyers
Shaler Berry	Otto C. Gartin	H. H. Miller
W. P. Bowman	R. E. Glenn	J. S. Milliken
D. F. Brown	Lawrence Harmon	T. R. Moore
F. W. Bryant	J. F. Harrison	B. T. Morris
J. R. Buckman	C. W. Hawkins	L. P. Murphy
W. G. Buckner	J. M. Hayse	Chas. N. McCarty
S. J. Bunger	Goebel B. Henson	J. L. McDavid
W. A. Carson	S. K. Holland	W. J. McGill
Lee Clark	Ira L. Horne	Caleb Page
Lonnie Cooper	E. M. Johnson	Smith Park
Fred H. Coots	W. W. Johnson	Jas. J. Peters
J. S. Cruse	D. C. Jones	Geo. W. Potter
W. J. Curtis	J. R. Kelly	W. H. Pryor
J. L. Cushing	Thos. H. King	H. A. Pulliam
C. L. Daly	W. W. Leslie	Clint Raymer

R. R. Rogers	E. J. Snyder	C. D. Vincent
Philip J. Ryan	J. L. Valandingham	T. B. Watts
C. W. Ryans	Chiles Van Antwerp	

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Those who voted in the negative were—

Lewis Allen	Geo. A. Brown	Mrs. H. G. Jorris

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 289. An Act prescribing certain duties for each county court clerk of the Commonwealth of Kentucky to perform with reference to the tax books and prescribing his compensation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. After the county court clerks of the state shall have completed the service now required of them, upon the delivery of the tax books and schedules to them, by the county tax commissioner, they shall in addition thereto, calculate the taxes due the state, county, school, county polls and school polls for each individual taxpayer, opposite their name in said tax book, upon the form that may hereafter be prescribed by the State Tax Commission. Said books and forms to hereafter be a permanent record of the county clerk's office.

§ 2. For performing said services the county clerk shall be paid the sum of ten cents for each tax list on the tax books, one-half of said sum to be paid by the State of Kentucky, the other one-half to be paid by the county.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the pasage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen
W. B. Ardery
Wm. J. Arvin
W. O. Bach
J. H. Baughman
Shaler Berry
C. H. Berryman
W. P. Bowman
D. F. Brown
Geo. A. Brown
F. W. Bryant
J. R. Buckman
W. G. Buckner
S. J. Bunger
Lonnie Cooper
Fred H. Coots
J. D. Cox
J. S. Cruse
W. J. Curtis
J. L. Cushing
C. L. Daly
Mormon B. Daniel
J. R. Dorman
E. J. Doss
D. W. Fowler
Otto C. Gartin
R. E. Glenn
Whitsett Hall
Lawrence Harmon
C. W. Hawkins
J. M. Hayse
Goebel B. Henson
H. M. Holbrook
Ira L. Horne
E. M. Johnson
Grover C. Johnson
W. W. Johnson
D. C. Jones
Mrs. H. G. Jorris
W. O. Keller
J. R. Kelly
W. W. Leslie
J. L. Manning
Shelby Martin
A. M. Mercer
H. J. Meyers
H. H. Miller
J. S. Milliken
T. R. Moore
B. T. Morris
L. P. Murphy
J. L. McDavid
W. J. McGill
Caleb Page
Smith Park
Jas. J. Peters
Geo. W. Potter
W. H. Pryor
Clint Raymer
R. R. Rogers
Philip J. Ryan
C. W. Ryans
M. G. Slusher
W. R. Smith
E. J. Snyder
J. L. Valandingham
Chiles Van Antwerp
C. D. Vincent
W. S. Wallen
T. B. Watts

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There voted in the negative—

J. F. Harrison —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 432. An Act to repeal, amend and re-enact section 108 of the Kentucky Statutes, Carroll's 1915 edition, relating to and prohibiting partnership between certain public officials to practice law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 108, Kentucky Statutes, Carroll's 1922 edition, be repealed, amended and re-enacted so that as amended said section shall read as follows:

1. No partnership for the purpose of practicing law shall exist between the clerk of any circuit court and the clerk of any county court, or any judge of any court, or police judge, or between either of said officers and any attorney-at-law.

2. Any person violating any of the provisions of the preceding section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars for each offense.

3. All laws or parts of laws in conflict herewith are hereby repealed.

Ordered, that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	E. J. Doss	H. H. Miller
W. B. Ardery	James M. Durham	T. R. Moore
Wm. J. Arvin	J. O. Evans	B. T. Morris
W. O. Bach	D. W. Fowler	L. P. Murphy
Shaler Berry	Otto C. Gartin	Chas. N. McCarty
C. H. Berryman	R. E. Glenn	J. L. McDavid
W. P. Bowman	F. A. Gnau	F. T. Nichols
D. F. Brown	Lawrence Harmon	Smith Park
Geo. A. Brown	J. F. Harrison	Geo. W. Potter
F. W. Bryant	C. W. Hawkins	W. H. Pryor
J. R. Buckman	Goebel B. Henson	R. R. Rogers
W. G. Buckner	S. K. Holland	Philip J. Ryan
S. J. Bunger	Ira L. Horne	C. W. Ryans
W. A. Carson	E. M. Johnson	M. G. Slusher
Lonnie Cooper	Grover C. Johnson	W. R. Smith
Fred H. Coots	D. C. Jones	E. J. Snyder
J. D. Cox	Mrs. H. G. Jorris	Frank L. Strange
J. S. Cruse	J. R. Kelly	J. L. Valandingham
J. L. Cushing	W. W. Leslie	Chiles Van Antwerp
C. L. Daly	Leon P. Lewis	C. D. Vincent
Mormon B. Daniel	Shelby Martin	W. S. Wallen
J. R. Dorman	A. M. Mercer	T. B. Watts

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There voted in the negative—

Clint Raymer —1

Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 327. An Act for the benefit of Minnie Gruelle, whose husband, G. C. Gruelle, lost his life while engaged in the performance of a public service, leaving the said Minnie Gruelle as his widow, and for the benefit of the three surviving infant children of G. C. Gruelle and his said wife Minnie.

Said bill is as follows, viz.:

Whereas, G. C. Gruelle, at the time of his death was employed by the State Highway Commission as maintenance foreman and actually engaged in the discharge of his duties as such while a highway was being repaired in Bracken county; and,

Whereas, at the time of his death the said G. C. Gruelle was endeavoring to save from the flames of a burning truck several tanks of tar used by the State Highway Commission for oiling the road where he was at work, and while doing so one of the tanks containing said tar bursted and its contents was emptied upon his body and the said G. C. Gruelle was thereby burned to death; and,

Whereas, at the time of his death the said G. C. Gruelle was receiving from the State for his services as foreman for the Highway Commission the sum of five dollars per day for all working days, averaging one hundred and thirty dollars per month; and,

Whereas, the said G. C. Gruelle has left surviving him, in indigent and dependent circumstances, his widow Minnie

Gruelle, two infant daughters, Helen Ross Gruelle, born January 23, 1919, and Anna Ruth Gruelle, born April 19, 1921, and one infant son, Paul Edward Gruelle, born December 15, 1922; now

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two thousand dollars for the benefit of Minnie Gruelle; and for the benefit of the three surviving infant children of said G. C. Gruelle and Minnie Gruelle, hereinabove named, the sum of one thousand dollars each, to be paid as hereinafter provided.

§ 2. That the Auditor be and he is hereby directed to pay the appropriations herein provided for by warrants drawn upon the State Treasury in the following manner: the sum of sixty dollars per month payable to the said Minnie Gruelle until the appropriation for her benefit, as herein provided, is exhausted, and the sum of twenty-five dollars per month for the benefit of each of the surviving infant children made payable to the statutory guardian of each of said infant children, until the total appropriations for said children hereinabove provided for are exhausted.

§ 3. Because of the dependent and indigent circumstances of the beneficiaries named in this act, an emergency is hereby declared to exist and this act shall take effect immediately on its passage and approval by the Governor.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. W. Fowler	H. H. Miller
W. B. Ardery	Otto C. Gartin	J. S. Milliken
Wm. J. Arvin	R. E. Glenn	B. T. Morris
W. O. Bach	F. A. Gnau	L. P. Murphy
T. H. Benton	Lawrence Harmon	Chas. N. McCarty
Shaler Berry	J. F. Harrisou	J. L. McDavid
C. H. Berryman	C. W. Hawkins	W. J. McGill
W. P. Bowman	J. M. Hayse	Caleb Page
D. F. Brown	Goebel B. Henson	Smith Park
Geo. A. Brown	H. M. Holbrook	Jas. J. Peters
F. W. Bryant	H. B. Holland	Geo. W. Potter
J. R. Buckman	Ira L. Horne	W. H. Pryor
W. G. Buckner	J. C. Hutcherson	H. A. Pulliam
S. J. Bunger	E. M. Johnson	Clint Raymer
Lee Clark	Grover C. Johnson	R. R. Rogers
Lonnie Cooper	W. W. Johnson	Philip J. Ryan
Fred H. Coots	D. C. Jones	Chas. L. Seale
J. D. Cox	Mrs. H. G. Jorris	M. G. Slusher
J. S. Cruse	W. O. Keller	W. R. Smith
W. J. Curtis	J. R. Kelly	E. J. Snyder
J. L. Cushing	Oscar Leibson	Frank L. Strange
C. L. Daly	W. W. Leslie	Mac Swinford
Marmon B. Daniel	Leon P. Lewis	J. L. Valandingham
E. J. Doss	J. L. Manning	C. D. Vincent
James M. Durham	A. M. Mercer	W. S. Wallen
J. O. Evans	H. J. Meyers	T. B. Watts

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Resolved that the title thereof be as aforesaid.

Mr Wallen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the orders of the day, a resolution which originated in the Senate, of the following title, viz.:

S. Res. 10. Resolution recognizing John Fitch as the inventor of the first steamboat and the first person to apply steam power to the purposes of navigation, and recommending the teaching in public schools and other institutions of learning, maintained in whole or in part by the State of Kentucky, that John Fitch was the inventor of the first steamboat, and that he first applied steam power to the purposes of navigation.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, the United States Government, and several states of this Union, granted John Fitch the exclusive right, many years before his death in 1798, to operate his steamboat invention within their boundaries, and,

Whereas, the Federal Government has recently appropriated money to erect a monument in Kentucky to the memory of John Fitch as the inventor of the first steamboat, and,

Whereas, John Fitch adopted Kentucky as the state of his residence and spent within her borders, further perfecting his invention, the closing years of his life, and died a citizen and resident of this Commonwealth and was buried beneath her soil, now,

§ 2. Be it resolved by the General Assembly of the Commonwealth of Kentucky, that for the purpose of doing justice to his great inventive genius and world-wide service rendered mankind, we recognize John Fitch as the inventor of the first steamboat and the first person to apply steam power to the purposes of navigation, and recommend that it be taught by all professors and teachers in the public schools and other institutions of learning, maintained in whole or in part by the State of Kentucky, that John Fitch invented the first steamboat and that he first applied steam power to the purposes of navigation.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the orders of the day, a bill entitled:

S. B. 303. An Act fixing the salary of sheriff in counties having an assessment of one hundred million dollars or over, a city of the second class, and comprising a separate judicial district; appointing the number of deputies and clerical assistants and fixing their salaries; manner of payment; allowing expenses of office; manner of payment and providing for the payment of all monies received by the sheriff to the county treasurer.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sheriff of each county having an assessed value of more than one hundred million dollars and in which there is located a city of second class, and which county comprises a separate judicial district, shall be paid a salary of five thousand dollars ($5,000.00) per annum. The sheriff shall be permitted to appoint such deputies and clerical assitsants, subject to the approval of the fiscal court of said county, as may be necessary for the proper performance of the duties of the office. The said sheriff, with the approval of said court, shall fix the salaries of said deputies and assistants but the salaries of such deputies and clerical assistants shall not in any year exceed the sum of fifteen thousand ($15,000.00). The fiscal court is authorized to pay all the necessary expenses incident to the proper performance of the duties of the office of the sheriff, which latter item shall not in any year exceed the sum of five thousand ($5,000.00).

The sheriff shall be required at the end of each month to furnish to the fiscal court a sworn statement of all receipts and

disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the treasurer of the county the total amount collected by him. The fiscal court shall pay to the sheriff, his deputies and clerical assistants the annual salary in monthly installments out of the general expense fund and if approved shall pay to the sheriff the expenses incurred by him during the preceding month.

All laws and parts of laws in conflict herewith are hereby repealed.

Each section of this Act is hereby declared to be an independent section and the holding of any section or part thereof to be invalid for any cause shall not affect the other sections or parts thereof.

Mr. Berryman offered the following Amendment to said bill, viz.:

Amend Senate Bill 303 by striking out of lines 12 and 13 the words and figures "fifteen thousand dollars" and inserting in lieu thereof the words and figures "twenty thousand dollars."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Shaler Berry	F. A. Gnau	Jas. J. Peters
C. H. Berryman	Lawrence Harmon	Geo. W. Potter
W. P. Bowman	J. F. Harrison	W. H. Pryor
D. F. Brown	C. W. Hawkins	H. A. Putnam
F. W. Bryant	J. M. Hayse	Clint Raymer
J. R. Buckman	H. M. Holbrook	Philip J. Ryan
W. G. Buckner	Ira L. Horne	C. W. Ryans
Lee Clark	W. W. Leslie	Chas. L. Seale
Lonnie Cooper	Leon P. Lewis	M. G. Slusher
Fred H. Coots	Shelby Martin	E. J. Snyder
J. D. Cox	A. M. Mercer	Frank L. Strange
J. S. Cruse	J. S. Milliken	Mac Swinford
W. J. Curtis	T. R. Moore	Chiles Van Antwerp
C. L. Daly	L. P. Murphy	C. D. Vincent
J. O. Evans	W. J. McGill	W. S. Wallen
D. W. Fowler	F. T. Nichols	
Otto C. Gartin	Smith Park	

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Those who voted in the negative were—

Geo. A. Brown	Mormon B. Daniel	W. W. Johnson
J. L. Cushing	Grover C. Johnson	H. J. Meyers

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Resolved that the title thereof be as aforesaid.

Mr. Wallen moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in that body of the following titles, viz.:

S. Res. 39. Joint resolution for the benefit of Mr. W. V. Bush and Major C. W. Longmire, Sergeants-at-Arms of the Senate and House of Representatives respectively.

Said resolution is as follows, viz.:

Whereas, the above named Sergeants-at-Arms of the Senate and House of Representatives have been duly elected by the members of each House of the General Assembly to serve in their respective offices, and have so served in said capacity with marked fidelity to duty and have rendered diligent public service, and,

Whereas, the sum of Seven Dollars ($7.00) per day, paid to each of said officials has been inadequate to meet their living expenses in the city of Frankfort, under the present conditions of the cost of living, and incommensurate with the amount of work performed by them, now therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That Mr. W. V. Bush and Major C. W. Longmire, Sergeants-at-Arms of the Senate and House of Representatives respectively be and they are hereby allowed the sum of Two Hundred and Fifty ($250.00) each additional compensation for public services rendered by them and for extra duties performed by them while acting in the course of their official duties, the same to be paid by the Treasurer on warrants drawn on him by the Auditor of Public Accounts, out of any funds in his hands not otherwise appropriated.

Said resolution was adopted.

The yeas and nays being taken thereon in accordance with the provisions of the constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	D. W. Fowler	T. R. Moore
W. B. Belknap	Otto C. Gartin	B. T. Morris
T. H. Benton	R. E. Glenn	L. P. Murphy
Shaler Berry	F. A. Gnau	Chas. N. McCarty
C. H. Berryman	Lawrence Harmon	J. L. McDavid
W. P. Bowman	C. W. Hawkins	W. J. McGill
D. F. Brown	J. M. Hayse	F. T. Nichols
F. W. Bryant	Goebel B. Henson	Smith Park
J. R. Buckman	H. M. Holbrook	Jas. J. Peters
W. G. Buckner	S. K. Holland	Geo. W. Potter
S. J. Bunger	Grover C. Johnson	W. H. Pryor
Lee Clark	W. W. Johnson	H. A. Pulliam
Lonnie Cooper	D. C. Jones	Clint Raymer
Fred H. Coots	Mrs. H. G. Jorris	Philip J. Ryan
J. D. Cox	W. O. Keller	C. W. Ryans
J. S. Cruse	J. R. Kelly	Chas. L. Seale
W. J. Curtis	Thos. H. King	M. G. Slusher
J. L. Cushing	Oscar Leibson	W. R. Smith
C. L. Daly	Leon P. Lewis	E. J. Snyder
Mormon B. Daniel	Shelby Martin	Frank L. Strange
J. R. Dorman	A. M. Mercer	C. D. Vincent
E. J. Doss	H. J. Meyers	W. S. Wallen
James M. Durham	H. H. Miller	T. B. Watts

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Those who voted in the negative were—

W. O. Bach	Geo. A. Brown	R. R. Rogers
J. H. Baughman	Ira L. Horne	

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Mr. Wallen moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed a resolution which originated in that body of the following title, viz.:

S. Res. 25. A resolution for the erection of a monument over the remains of Governor Clark.

Said resolution is as follows, viz.:

Whereas, the preservation in honor of the memory of their illustrious dead is a sacred duty of all Republics, imposed alike by a just pride and sound policy; and

Whereas Kentucky has failed to distinguish by a proper monument the burial place of the remains of Governor James Clark, one of her noblest citizens and once her Chief Magistrate, eminent as a Statesman and Jurist; and

Whereas the Legislature in 1856 passed a resolution and an appropriation providing for the removal of the remains of Governor Clark to the Frankfort Cemetery and erecting a suitable monument over his remains; and

Whereas the said Resolution was never carried out and whereas it is probably now too late to remove the dust of the illustrious Governor from its present resting place on the beautiful eminence near his old historic home overlooking the city of Winchester; and

Whereas this is a just tribute and proper honor due the memory of this distinguished Statesman; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky: that a sum not exceeding $1,500.00 be, and the same is hereby appropriated out of any money in the treasury, unappropriated, for the purpose of erecting a suitable monument over the remains of Governor Clark, properly inscribed and a proper permanent inclosure made around the lot, and that the Governor be and is hereby authorized and requested to carry out the provisions of this resolution.

Said resolution was adopted.

The yeas and nays being taken theron in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Lewis Allen	James M. Durham	H. H. Miller
W. B. Ardery	D. E. Edwards	J. S. Milliken
Wm. J. Arvin	J. O. Evans	T. R. Moore
W. O. Bach	D. W. Fowler	L. P. Murphy
T. H. Benton	Otto C. Gartin	J. L. McDavid
Shaler Berry	R. E. Glenn	W. J. McGill
C. H. Berryman	F. A. Gnau	Smith Park
W. P. Bowman	Lawrence Harmon	Jas. J. Peters
D. F. Brown	J. F. Harrison	Geo. W. Potter
Geo. A. Brown	C. W. Hawkins	W. H. Pryor
F. W. Bryant	J. M. Hayse	H. A. Pulliam
J. R. Buckman	Goebel B. Henson	Philip J. Ryan
W. G. Buckner	H. M. Holbrook	C. W. Ryans
S. J. Bunger	S. K. Holland	Chas. L. Seale
W. A. Carson	E. M. Johnson	M. G. Slusher
Lee Clark	Grover C. Johnson	W. R. Smith
Lonnie Cooper	D. C. Jones	E. J. Snyder
Fred H. Coots	Mrs. H. G. Jorris	Frank L. Strange
J. D. Cox	W. O. Keller	J. G. Swearengin
J. S. Cruse	J. R. Kelly	Mac Swinford
J. L. Cushing	Oscar Leibson	J. L. Valandingham
Mormon B. Daniel	Leon P. Lewis	C. D. Vincent
J. R. Dorman	A. M. Mercer	W. S. Wallen
E. J. Doss	H. J. Meyers	T. B. Watts

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Mr. Wallen moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. H. B. Holland of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz.:

H. B. 599. An Act to amend an Act entitled: "An Act relating to the employees of the General Assembly, approved July 11, 1893, same being section 1991 of Carroll's Kentucky Statutes, Edition of 1915.

H. B. 333. An Act to amend section 1845 Kentucky Statutes, relating to compensation of members of fiscal courts.

H. B. 619. An Act to provide for a progressive tax on transfers of directed and collateral inheritances; and to amend subsection 2 of section 2 and section 8 of chapter 111 of the Acts of the General Assembly of 1924, and repealing existing statutes.

H. B. 614. An Act to provide for the execution and sale of Four Million Dollars ($4,000,000) of bonds of the Commonwealth for the purpose of paying out standing warrants of the Commonwealth and the interest accrued thereon.

H. B. 34. An Act repealing section 4399a-10, art. V, Chapter 113 of Carroll's 1922 Edition, Kentucky Statutes, title Schools, Common, and re-enacting the same with certain changes and modifications, making the office of county superintendent of schools an elective office, the county superintendent to be elected by the qualified voters of each county, etc.

H. B. 587. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State government, except for the Legislative and Judicial Departments, and except for the common schools, for the fiscal year ending June 30, 1928; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

H. B. 586. An Act appropriating money for the operation and maintenance of the various departments, boards, commissions, institutions and agencies of the State Government, except for the Legislative and Judicial and Judicial Departments, and except for the common schools, for the fiscal year ending June 30, 1927; designating the funds and sources from which said appropriations are to be paid, and prescribing the manner in which same are to be paid.

H. B. 119. An Act to repeal and re-enact section 2554d-2, Kentucky Statutes, Carroll's Edition 1922, relating to reward for persons causing the arrest and conviction of offenders in moonshine cases.

H. B. 180. An Act to repeal, amend and re-enact section 6 of chapter 109 of the Acts of the General Assembly of 1924, relating to the compensation of County Tax Commissioner.

H. B. 547. An Act to repeal, amend and re-enact sec. 1847 of the Kentucky Statutes, Carroll's Edition of 1915, as amended by the Acts of the General Assembly of Kentucky, chapter 115, page 551, session of 1920, and how section 1847 of the Kentucky Statutes, Carorll's edition of 1922, relating to commissioners to constitute fiscal courts and providing for special elections therefor and term of office, and providing for compensation of commissioners in counties having cities of the second class.

H. B. 59. An Act to amend and re-enact sections 3037f-1, 3037f-2, 3037f-3, 3037f-4, 3037f-5, 3037f-6, 3037f-7, 3037f-8, 3037f-9, 3037f-10, 3037f-11, 3037f-12, 3037f-13, 3037f-14 and 3037f-15, Carroll's Kentucky Statutes, 1915 Edition, relating to the examination and registration of plumbers, providing for the appointment of a board of examiners and inspectors, etc.

H. B. 424. An Act placing the Mussel Shell Beds in the Ohio river and other Kentucky streams under the control and regulation of the State Game and Fish Commission.

H. B. 241. An Act merging in counties in which there is a city of the first class the Board of Children's Guardians and the Board for the city and county Children's Home.

H. B. 65. An Act amending section 2380b-40, of Carroll's Kentucky Statutes, and otherwise relating to the drainage and reclamation of lands and the collection of taxes for drainage districts and public ditches.

H. B. 362. An Act enabling cities of the first class, either independently or in conjunction with legally constituted authorities of an adjoining state, to build, construct, operate and maintain bridges across navigable streams, so as to connect such cities with an adjoining state; providing for a Kentucky Commission in such cities of the first class to build, construct, operate, control and maintain such bridges and fixing the powers and duties of such Commission, etc.

H. B. 519. An Act to require contractors, when dealing with any commission, department, institution or agency of the State, to disclose the name or names of each and every salesman, broker, attorney, agent or sub-agent, or other representative, requiring the registration of such representatives; and providing penalties for the violation of this Act.

H. B. 340. An Act to amend and re-enact sec. 2739g 62 of Carroll's Kentucky Statutes, Sixth Edition, pertaining to motor vehicles.

H. B. 426. An Act amending section 6, chapter 6, Acts of the General Assembly of the Commonwealth of Kentucky for 1924 relating to the certification of teachers.

H. B. 502. An Act to repeal and re-enact chapter 15, Acts of the General Assembly of 1922, approved March 20, 1922, and to provide for the elimination of grade crossings or change of existing overhead or underpass structures on the primary roads of the State; giving the State Highway Commission the power to order the elimination of such crossing or change of such structures and the power to direct the character of crossings to be substituted therefor; and to provide for the method or manner of effecting such grade eliminations or changes; providing for hearings on such orders; providing for a method of paying the cost incurred in the elimination of such crossing or change of structures; providing for appeal to the Franklin Circuit Court from such orders of the State Highway Commission, and for appeal from the Franklin Circuit Court to the Court of Appeals; providing for maintenance of the substituted crossings; and providing for the mandatory process of the court to compel compliance with such orders; and declaring an emergency. This bill to be known as the Dorman Grade Crossing Bill.

H. B. 605. An Act to provide for the execution and sale of Five Million Dollars ($5,000,000) of bonds of the Commonwealth of Kentucky for the benefit of the Penal, Correctional, and Charitable Institutions.

H. B. 44. An Act to amend section 4 of an Act approved March 18, 1914, entitled "An Act to provide a stenographer for the county judge of counties in the Commonwealth containing a population of two hundred thousand or over" being section 1061a-4 of the Kentucky Statutes, Carroll's Edition of 1922.

H. B. 61. An Act to amend and re-enact sec. 3142b-3 of the Edition of the Kentucky Statutes, compiled and edited by John D. Carroll.

H. B. 54. An Act to make 19th of January a Legal Holiday.

H. B. 145. An Act making an appropriation of $5,000.00 a year for each of the fiscal years 1926-1927 and 1927-1928 to the Bourbon Stock Yards Fat Stock Show Association of Louisville, Kentucky, to meet the premium expenses thereof for the fiscal years ending June 30, 1927, and June 31, 1928.

H. B. 623. An Act relating to roads and highways.

H. B. 393. An Act to assist disabled United Spanish War veterans and their dependents in obtaining from the Federal Government the relief authorized by Acts of Congress, and creating for that purpose a voluntary commission and providing for its office expenses and the salary of the Secretary.

H. B. 16. An Act to repeal and re-enact chapter 8 of the Acts of the General Assembly of 1914, being section 1213a Kentucky Statutes, 1922 Edition, and being entitled "An Act to regulate the making, drawing, uttering or delivering of checks, drafts or orders for the payment of moneys, and fixing the penalties for violation of same, known as the the Cold Check Law."

H. B. 45. An Act to amend section 3 of an Act approved March 19, 1908, entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," etc.

H. B. 431. An Act to repeal and re-enact sections 4458, 4459, 4460, 4461 and 4462, Kentucky Statutes, Edition 1922,

relating to the assessment and collection of taxes by subdivisions for school purposes and providing methods of levying taxes and collecting same.

H. B. 357. An Act relating to the construction of streets, alleys, public ways, sewers, or other public improvements in cities of the third class and providing that such cities may issue improvement warrants to contractors as the work progresses, providing for the payment of such warrants and for a lien on the local taxes levied for such improvement to secure the payment of such warrants and providing that the city shall not be personally liable thereon.

H. B. 29. An Act to amend subsec. a of sec. 16 of chapter 69 of the Acts of the General Assembly of 1918, relating to the appointment of a Deputy State Veterinarian, prescribing his qualifications, definding his duties and providing for his salary to be fixed by the State Live Stock Sanitary Board.

H. B. 390. An Act amending Section 4399a-9, Carroll's Edition, Kentucky Statutes, relating to the Settlement of the Treasurer of the County Board or Education.

H. B. 434. An Act relating to revenue and taxation; imposing an excise tax or license tax on all distilled spirits known as whiskey, brandy, gin, rum or other species of double stamp spirits sold at retail in this State; requiring every individual, association, partnership, joint stock company and corporation selling such distilled spirits at retail to pay said tax for the privilege of engaging in said business; providing for monthly reports for the purpose of ascertaining the amount of tax due; providing for monthly payments of the amount of license due; fixing of penalty for failure to make such monthly report and settlement; providing for the manner of distribution of the tax so collected; repealing all other license and excise taxes on the businesses covered by this act and declaring an emergency to exist.

H. B. 101. An Act to authorize, empower and direct fiscal courts of counties having therein a city, or cities, of the first or second class, and the General Council or Board of Commissioners of cities of the first and second classes to levy a tax to meet the expenses necessary for the establishment and maintenance of a tuberculosis hospital or district tuberculosis sanatorium in such county and repealing all laws, or parts of laws, in conflict herewith, to the extent of such conflict.

H. B. 162. An Act to accept the provisions of an Act passed by the Congress of the United States and approved February 24, 1925, to authorize the more complete endowment of Agricultural Experiment stations and for other purposes.

H. B. 419. An Act to amend section 1763 of Carroll's Kentucky Statutes 1925 Edition.

H. B. 420. An Act providing for the appointment of asistant chief deputy sheriffs in counties having a city of the first class, and fixing their duties and compensations.

H. B. 238. An Act providing for registration fees and regulation of motor vehicles classed as trucks and providing penalties for violation of its provisions and repealing conflicting laws.

H. B. 560. An Act relating to revenue and taxation; providing for the repeal, amendment and re-enactment of section 4102 of Kentucky Statutes, Carroll's 1915 Edition; relating to the taxation of property of railroad and bridge companies; and repealing existing statutes.

H. B. 46. An Act entitled An Act to amend sec. 865 of Kentucky Statutes, of 1915; compiled by John D. Carroll, being also sec. 865 of chapter 144 Acts 1918, being to further regulate the operation and management of building and loan associations.

H. B. 360. An Act to amend and re-enact section 2711a-54 of the Kentucky Statutes, in relation to certain members of the staff of the Adjutant General.

H. B. 463. An Act empowering any corporation, authorized by law to build, construct or maintain toll bridges, to acquire land and other property or material by contracts, purchase by condemnation proceeding or otherwise.

H. B. 73. An Act to amend and re-enact sec. 518 Civil Code of Practice relating to the modification of judgment after term of court rendering it.

H. B. 32. An Act authorizing the restoration to sound mind of persons who have been adjudged of unsound mind.

H. B. 68. An Act relating to municipal bonds in municipalities of the fourth, fifth and sixth class municipalities, and providing for their maintenance.

H. B. 168. An Act to require, in all cities of the first and second class of this Commonwealth, the proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc.

H. B. 607. An Act relating to public roads and including in the primary system roads in counties of McCracken, Graves and Ballard.

H. B. 628. An Act relating to roads and highways.

H. B. 52. An Act to provide for the cost of bonds.

H. B. 457. An Act relating to revenue and taxation; providing a license or excise tax on the business or occupation of

manufacturing distilled spirits, known as whiskey or brandy, or other species of such double stamp spirits in this and or the business or occupation of a warehouseman storing such distilled spirits; providing for the distribution of said fund; providing penalties for the violation of its provisions, repealing chapter 5 of the Acts of the General Assembly of 1917, enacting in lieu thereof the following act and declaring an emergency to exist.

H. B. 439. An Act to provide for the renewal of franchises of public utility companies of the cities of the Commonwealth other than cities of the first class.

H. B. 208. An Act to amend and re-enact sections 3, 4, 8, 1922 of an Act entitled "An Act providing for the creation, control, disposition of a fund to be used in the pensioning under certain conditions, policemen, and the families of deceased policemen, in cities of the first class, approved March 12, 1912.

H. B. 588. An Act relating to revenue and taxation, and amending section 1 and section 6 of chapter 116 of the Acts of the General Assembly of 1924; providing an annual tax upon property subject to taxation in this state, etc.

H. B. 447. An Act to amend sections 1 and 4 of chapter 43 of the Acts of the General Assembly of 1914, relating to the office of stenographer for the county judge in certain counties, being section 1061a-1 and 1061a-4 Carroll's Kentucky Statutes, 1922 Edition.

H. B. 460. An Act to repeal chapter 45 of the Acts of 1920, being an act to authorize consolidated school districts and county boards of education to issue bonds; etc.

H. B. 499. An Act making provision for examination of teachers and for the issue, validation, and renewal of certificates for use in the public schools of this Commonwealth, etc.

H. B. 385. Act relating to the Banking and Trust business, repealing and re-enacting chapter 34 of the Acts of 1914, which same is now section 165a-20 of the Kentucky Statutes, of 1922.

H. B. 528. An Act to amend sec. 490 of the Civil Code of Practice concerning the sale of real property and to authorize the sale of real property in which one or more persons hold a life estate which is directed to be sold for the purpose of distribution to remainderman or remaindermen at the termination of the life tenancy.

H. B. 323. An Act to provide for the constitution and appointment of a Board to be known as the Air Board of Kentucky, etc.

H. B. 301. An Act to amend and re-enact section 1 of section 606 of the Civil Code of Practice, Carroll's Kentucky Codes 1919, relating to the competency of witnesses.

H. B. 341. An Act to repeal and re-enact Section 4243 of the Kentucky Statutes, 1915 Edition, relating to records to be kept by the clerk of the circuit courts and county courts and the trustees of the jury fund so as to make same applicable to county judges, police judges and justices of the peace of the Commonwealth.

H. B. 412. An Act providing for the retirement of certain school teachers of this Commonwealth and providing the amount of allowance and by whom and from what funds same is to be paid and the duration of payment.

H. B. 570. An Act concerning the drainage and reclamation of land and authorizing the maintenance of ditches, by labor by the landowners thereon.

H. B. 237. An Act to repeal and re-enact sections 2739g-1, 2739g-33, 2739g-39, 2739g-51, 2739g-65, 2739g-65(b) Carroll's Kentucky Statutes, and being parts of chapter 90, Acts of the Session of 1920, beginning at page 415 in the Session Acts of 1920, and all relating to the subject of Motor vehicles, etc.

H. B. 71. An Act regulating the time of holding Justices' Courts in cities of the fourth class in this Commonwealth.

H. B. 435. An Act to amend, revise and re-enact section 8, chapter 36, Acts of 1920, being an act entitled "An Act creating a county board of education, prescribing its duties, fixing the tenure of office and compensation of its members, etc." approved March 22, 1920.

H. B. 297. An Act to amend and re-enact sec. 1376b-2, Kentucky Statutes, relating to agricultural seeds.

H. B. 277. An Act to fix the venue of actions for or against the Commonwealth of Kentucky, or the state officers or any agency of the Commonwealth of Kentucky, and to repeal all laws in conflict.

H. B. 289. An Act to repeal and re-enact section 4245 of the Kentucky Statutes, 1915 Edition, relating to the duty of the circuit court clerks as to issuance of process on judgments in favor of the Commonwealth, etc.

H. B. 381. An Act requiring county judges, police judges, justices of the peace, and clerks of the circuit courts to keep a record book in which all judgments, civil and criminal shall be entered and cross-indexed, and imposing penalties for failure so to do.

H. B. 328. An Act to repeal and re-enact sec. 130 of the Kentucky Statutes, 1915 Edition, relating to the duties of the County Attorneys, etc.

H. B. 367. An Act to amend and re-enact secs. 3140 and 3138 Kentucky Statutes, Carroll's 1915 Edition, being a part of the charter of cities of the second class, etc.

H. B. 524. An Act to authorize the Governor to remove peace officers for neglect of duty, etc.

H. B. 49. An Act to repeal and re-enact chapter 59 of the Acts of the General Assembly of 1918, relating to courts of justice.

H. B. 150. An Act to amend and re-enact sec. 1169 of the Kentucky Statutes, Edition of John D. Carroll, of 1915, relating to the burning of warehouse, barn, etc.

H. B. 230. An Act providing for the election of all members of graded school boards in this Commonwealth by the secret ballot system.

H. Res. 13. Joint resolution to erect a monument on the battlefield of Blue Licks.

H. Res. 17. Resolution for the benefit of the Ministers of the Churches of Frankfort.

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S. B. 31. An Act to amend section 5 of chapter 17 of the Acts of the General Assembly of 1920, which act relates to roads and bridges, and which section of said act is now section 4356t-5 of Carroll's Kentucky Statutes, edition of 1922, by establishing a road from Columbia, etc.

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S. Res. 13. Resolution providing for the sum of $224.00 for the purpose of correcting an error in the amount, etc.

S. Res. 21. Resolution providing for State Primary Road Project, connecting with a Tennessee Road Project, the "Alvin C. York Highway," to be designated in Kentucky as the "York Trail."

S. Res, 39. Resolution for the benefit of Mr. Bush and Major Longmire, Sergeants-at-Arms, of the Senate and House of Representatives respectively.

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled.

Thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said Senate bills and Senate resolutions be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House, deliver said House bills and House resolutions to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Meyers moved that a Committee be appointed to inform the Senate that the House has completed the business before it and to request the Senate to appoint a similar Commitee to act in conjunction with the Committee on the part of the House to wait upon the Governor and inform him that the Senate and House of Representatives, composing this General Assembly, have completed their labors and are now ready to adjourn sine die and to further ask him if he has any further communication to make to the General Assembly.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Meyers, Hayse and Glenn as members constituting said Committee.

After a time the said Committee reported that they had discharged the duties imposed upon them and that they had been informed by the Governor that he had no further communication to make to the General Assembly.

Thereupon the House adjourned sine die.

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